the weekly Standard

MAY 25, 2009 • $4.95

DICK CHENEY, MVP OF THE GOP
STEPHEN F. HAYES • WILLIAM KRISTOL

eMeg

An eBay Republican bids to save California

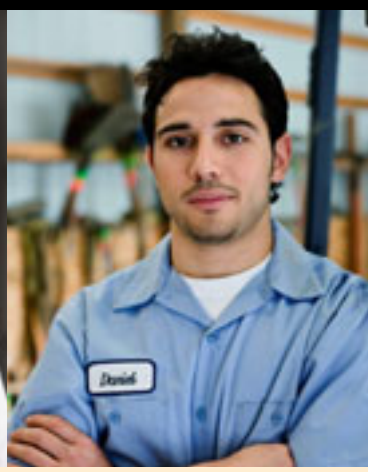
BY FRED BARNES

Gubernatorial candidate Meg Whitman

PLUS: MATT LABASH on the diversity follies

LICENSED TO UNZ.ORG
ELECTRONIC REPRODUCTION PROHIBITED

Guess who'll pay for new energy taxes...



Raising taxes in a recession jeopardizes jobs and economic recovery

Congress will soon consider new taxes on America's oil and natural gas industry. These new energy taxes will produce wide-reaching effects, and ripple through our economy when America – and Americans – can least afford it.

These unprecedented taxes will serve to reduce investment in new energy supplies at a time when nearly two-thirds of Americans support developing our domestic oil and natural gas resources. That means less energy, thousands of American jobs being lost and further erosion of our energy security.

Our economy is in crisis, and we need to get the nation on the road to economic recovery. This is no time to burden Americans with new energy costs.

THE *people* OF AMERICA'S OIL AND NATURAL GAS INDUSTRY

Find out what you can do at EnergyTomorrow.org

LICENSED TO UNZ.ORG
ELECTRONIC REPRODUCTION PROHIBITED

Join us—and our special guests

THE WEEKLY STANDARD cruises the Mediterranean August 7-17, 2009 aboard Holland America's luxury liner, *Noordam*.

We're pleased to announce that our own **Andy Ferguson** will be joining us. Andy is the author of many widely noted articles for The Weekly Standard, including "Mr. Obama's Neighborhood" and "The Wit and Wisdom of Barack Obama." His book *Land of Lincoln* (2007) was named Book of the Year by the *Chicago Tribune* and the *Wall Street Journal*.

Join us for ten days of the best conversation about politics at home and abroad with Bill Kristol, Fred Barnes, Terry Eastland, and Richard Starr. Also on board will be our special guests: **Elliott Abrams,** Deputy National Security Advisor in the Bush White House, where he covered Iran, Israel, and the Middle East; & **Anne-Elisabeth Moutet,** the Paris-based political journalist and contributor to the BBC.

Call *1-800-266-4043* or visit *www.twscruise.com*

THE CRUISE AUTHORITY

Holland America Line

the weekly Standard

LICENSED TO UNZ.ORG
ELECTRONIC REPRODUCTION PROHIBITED

9 billion

people to feed. A changing climate.

NOW WHAT?

Experts say we'll need to double agricultural output by 2050 to feed a growing world. That's challenge enough. But with a changing climate, the challenge becomes even greater.

Providing abundant and accessible food means putting the latest science-based tools in farmers' hands, including advanced hybrid and biotech seeds. Monsanto's advanced seeds not only significantly increase crop yields, they use fewer key resources – like land and fuel – to do it. That's a win-win for people, and the earth itself.

Producing more. Conserving more. Improving farmers' lives. That's sustainable agriculture. And that's what Monsanto is all about.

The world's farmers will need to double food production by 2050. Biotechnology can help.

MONSANTO imagine®

Learn more at: www.ProduceMoreConserveMore.com

PRODUCING MORE | CONSERVING MORE | IMPROVING FARMERS' LIVES

© 2009 Monsanto Co. Monsanto Imagine and the Vine Design are trademarks of Monsanto Technology LLC.

LICENSED TO UNZ.ORG
ELECTRONIC REPRODUCTION PROHIBITED

Contents

May 25, 2009 • Volume 14, Number 34

2 Scrapbook ..... *Jimmah's Back*

4 Casual ..... *Fred Barnes, Dom DiMaggio fan*

5 Correspondence ..... *Obamamania, hunting & more*

7 Editorials ..... *Don't Wince. Fight! • A Scary Story*

Articles

9 Cheney's War on the Democrats *He might be unpopular, but he's winning the debate* ..... BY STEPHEN F. HAYES

11 Obama's Injustice Department *The irresponsible Office of Professional Responsibility* ... BY MICHAEL STOKES PAULSEN

13 Seminar in Shamelessness *The Ayers-Dohrn road show* ..... BY MARY KATHARINE HAM

14 Who Controls the Internet? *The United States, for now, and a good thing, too* ..... BY ARIEL RABKIN

Cover: Dave Malan

Features

16 eMeg ..... BY FRED BARNES
eBay Republican Meg Whitman bids to save California.

20 Where Everybody Is Disadvantaged ..... BY MATT LABASH
Postcards from the diversity follies.

Books & Arts

28 The Cosmo Girl *Helen Gurley Brown is no mouseburger* ..... BY EMILY YOFFE

30 His Liberal Hour *Deconstructing the imaginary world of Alan Wolfe* ..... BY PETER BERKOWITZ

34 Reading Biblioscar *Among other things, Oscar Wilde was a man of letters and books* ..... BY LIAM JULIAN

35 Strings Attached *How music went from noise to sound to melody and harmony* ..... BY JOHN SIMON

38 Workshop Lit *Fiction in the voice of consciousness-raising* ..... BY MARY GRABAR

39 Civil Wrongs *Mary Frances Berry's legacy of 'ideological food fights'* ..... BY KENNETH L. MARCUS

40 Parody ..... *The New 'Playboy'*

William Kristol, *Editor* **Fred Barnes,** *Executive Editor*
Richard Starr, *Deputy Editor* **Claudia Anderson,** *Managing Editor*
Christopher Caldwell, Andrew Ferguson, Robert Messenger, *Senior Editors* **Philip Terzian,** *Literary Editor*
Stephen F. Hayes, Matt Labash, *Senior Writers* **Victorino Matus,** *Assistant Managing Editor*
Matthew Continetti, *Associate Editor* **Mary Katharine Ham, Jonathan V. Last,** *Staff Writers* **Michael Goldfarb,** *Online Editor*
Kari Barbic, Katherine Eastland, *Assistant Editors* **John McCormack, Samantha Sault,** *Deputy Online Editors* **Kevin Vance,** *Editorial Assistant*
Philip Chalk, *Design Director* **Carolyn Wimmer,** *Executive Assistant* **Kristina Baker,** *Design Assistant*
Max Boot, Joseph Bottum, Tucker Carlson, Noemie Emery, Joseph Epstein, David Frum, David Gelernter, Reuel Marc Gerecht, Brit Hume, Frederick W. Kagan, Robert Kagan, Charles Krauthammer, Tod Lindberg, P.J. O'Rourke, John Podhoretz, Irwin M. Stelzer, *Contributing Editors*
Terry Eastland, *Publisher*
Peter Dunn, *Associate Publisher* **Nicholas H.B. Swezey,** *Advertising Director* **Catherine Lowe,** *Marketing Director*
Robert Dodd, *Canada Manager* **Patrick Doyle,** *West Coast Manager* **Don Eugenio,** *Midwest Manager*
Melissa Garnier, *Canada Manager (Montreal)* **Perry Janoski,** *Book Publishing Manager*
Catherine Daniel, *Advertising & Marketing Manager* **Mairead Cagney,** *Accounting Director* **Patricia Lachapelle,** *Senior Accountant*
Taybor Cook, *Office Manager* **Andrew Kaumeier,** *Staff Assistant*

Advertising inquiries: *Please call* ***202-293-4900*** *or visit* ***www.weeklystandard.com/advertising***

the weekly Standard

The Weekly Standard (ISSN 1083-3013), a division of News America Incorporated, is published weekly (except the first week in January, third week in April, second week in July, and fourth week in August) at 1150 17th St., NW, Suite 505, Washington D.C. 20036. Periodicals postage paid at Washington, DC, and additional mailing offices. Postmaster: Send address changes to The Weekly Standard, P.O. Box 50108, Boulder, CO 80322-0108. For subscription customer service in the United States, call 1-800-274-7293. For new subscription orders, please call 1-800-283-2014. Subscribers: Please send new subscription orders and changes of address to The Weekly Standard, P.O. Box 50108, Boulder, CO 80322-0108. Please include your latest magazine mailing label. Allow 3 to 5 weeks for arrival of first copy and address changes. Canadian/foreign orders require additional postage and must be paid in full prior to commencement of service. Canadian/foreign subscribers may call 1-850-682-7644 for subscription inquiries. American Express, Visa/MasterCard payments accepted. Cover price, $4.95. Back issues, $4.95 (includes postage and handling). Send letters to the editor to The Weekly Standard, 1150 17th Street, N.W., Suite 505, Washington, DC 20036-4617. For a copy of The Weekly Standard Privacy Policy, visit www.weeklystandard.com or write to Customer Service, The Weekly Standard, 1150 17th St., NW, Suite 505, Washington, D.C. 20036. Copyright 2009, News America Incorporated. All rights reserved. No material in The Weekly Standard may be reprinted without permission of the copyright owner. The Weekly Standard is a registered trademark of News America Incorporated.

BPA INTERNATIONAL

LICENSED TO UNZ.ORG
ELECTRONIC REPRODUCTION PROHIBITED

Jimmah's Back

One of the nice things about controlling Congress is that since you've got all the brass and woodwinds and drums you need, you can put on a show whenever you like—right there in your own committee hearing room.

And so it was, on a quiet afternoon last week, that former President Jimmy Carter appeared before the Senate Armed Services Committee to discuss "energy security" at the invitation of the new committee chairman, Senator John Kerry (D-Mass.). The 84-year-old Carter seemed a little more stiff, and slightly more frail, than the last time The Scrapbook had seen him, but once he sat down, flashed his famous grin, and began to talk, it was clear that the fire still burns brightly within him.

The fire, that is, of envy and resentment. To be sure, there was something poignant about the loser of the 2004 presidential election (Kerry) lobbing softball questions in the direction of the loser of the 1980 presidential election (Carter), but there was very little about Carter's performance that could be described as "reflective" or "elegiac." More like mad as hell about the verdict of history and not willing to take it anymore.

Now, The Scrapbook concedes that losing a reelection campaign for the presidency must be difficult. But one would think that, after the passage of 29 years, the petty details of the footnotes to yesteryear would be mercifully forgotten.

Well, one would be wrong. "I dedicated solar collectors on the White House roof in 1979," Carter testified, "but the 32 panels were soon removed almost instantaneously after my successor moved into the White House." Note the (no doubt deliberate) unwillingness to furnish the name of that successor, along with the presumption that the first or second thing Ronald Reagan must have done upon taking office in January 1981 was to gleefully and "instantaneously" remove those 32 solar panels from the White House roof.

Carter continued: "When I became president the average gas mileage on a car was 12 miles per gallon"—take that, Gerald Ford!—"and we had mandated, by the time I went out of office, 27.5 miles per gallon. But President Reagan"—there, I said his name!—"and others didn't think that was important, and so it was frittered away."

Chairman Kerry, looking marginally more dolorous than usual, took that opportunity to pick up the theme, reminding committee colleagues that "President Carter had the courage, as president of the United States, to tell the truth to Americans about energy. . . . Regrettably, the ensuing years saw those efforts unfunded, stripped away." At which point Carter, Nobel peace laureate and *Time*'s Best Ex-President, nodded thoughtfully in agreement.

Of course, this was standard Democratic boilerplate on a pair of issues: that Americans don't like to listen to hard truths, and prefer to be lulled by Great Communicators; and that solar panels on rooftops are the obvious answer to the energy needs of a nation of 300 million.

But it was also an example of the magical power of majority rule. Since Democrats are in command of both houses on Capitol Hill, and one Al Franken away from enjoying a filibuster-proof margin in the Senate, history may now be rewritten by act of Congress. Down the memory hole goes malaise, the Brezhnev hug, gasoline shortages and long lines at service stations, the Iran hostage crisis, double-digit inflation, the Soviet invasion of Afghanistan, Desert One, Salt II, Brother Billy, Sister Ruth and Larry Flynt, "inordinate fear of communism," the Bert Lance scandal, and the Mariel boatlift of Cuban criminals and mental patients.

Apparently, the Carter years (1977-81) were the unappreciated golden age in modern American history, followed by three decades of unfunding, frittering away, low gas mileage, easy truths, and the instantaneous dismantling of 32 solar energy panels. ♦

Our Man Mitch?

Is Indiana's Mitch Daniels, the former head of George W. Bush's budget office, warming up for 2012? He says no ("I'm not a candidate for any office—now or ever again," Daniels wrote in the *Wall Street Journal* last week), but the approval/disapproval ratio for the 60-year-old governor, just beginning his second term, has reversed from 40/50 in the fall of 2007 to 69/29 this spring. And this past week, first in a commencement speech at Butler University and then in the aforementioned *Journal* article, Daniels limned a powerful critique of Barack Obama at a time when many of his fellow Republicans are unwilling to take on the popular young president. Here's Daniels at Butler:

> We Boomers were the children that the Second World War was fought for. Parents who had endured both war and the Great Depression devoted themselves sacrificially to ensuring us a better life than they had. We were pampered in ways no children in human history would recognize. With minor exceptions, we have lived in blissfully fortunate times. . . . All our lives, it's been all about us. We were the "Me Generation." We wore T-shirts that said "If it feels good, do it." The year of my high school commencement, a hit song featured the immortal lyric "Sha, la, lalalala live for today." As a group, we have been self-centered, self-absorbed, self-indulgent, and all too often just plain

LICENSED TO UNZ.ORG
ELECTRONIC REPRODUCTION PROHIBITED

selfish. Our current Baby Boomer president has written two eloquent, erudite books, both about . . . himself.

And here he is in the *Journal* on Obama's proposed cap-and-trade tax:

> I will confine myself to reporting about how all this looks from the receiving end of the taxes, restrictions and mandates Congress is now proposing. Quite simply, it looks like imperialism. This bill would impose enormous taxes and restrictions on free commerce by wealthy but faltering powers—California, Massachusetts and New York—seeking to exploit politically weaker colonies in order to prop up their own decaying economies. Because proceeds from their new taxes, levied mostly on us, will be spent on their social programs while negatively impacting our economy, we Hoosiers decline to submit meekly.

Maybe Daniels should reconsider that "now or ever." ♦

Buy This Book

The Scrapbook is always pleased to see its friends produce a book—especially one on an important and interesting topic (China). The volume in question consists of lively and topical essays by first-rate writers well-known to Weekly Standard readers (Robert Kagan, Dan Blumenthal, Ellen Bork, and Nick Eberstadt, among others), edited by another person well-known to us as a contributor (and always a strong shower in the Weekly Standard NCAA pool), Gary Schmitt.

The Rise of China: Essays on the Future Competition is elegantly published by Encounter Books, and, we might add in these difficult times, reasonably priced at $21.95. Buy it. ♦

What If Richard Cohen's Right?

It's not often that we find ourselves in agreement with liberal *Washington Post* columnist Richard Cohen. But we were intrigued by his most recent column, "What if Cheney's Right?" As in, what if "enhanced interrogation techniques" have in fact saved lives? First, he describes those on the left who insist such measures do not work as "seem[ing] to think that the CIA tortured suspected terrorists just for the hell of it." We couldn't have described them better.

Cohen is pushing for the release of memos the former vice president says will show the efficacy of waterboarding. "After all, this is not merely some political catfight conducted by bloggers, although it is a bit of that, too. Inescapably, it is about life and death—not ideology, but people hurling themselves from the burning World Trade Center." At which point we double-checked the byline to make sure it still said Richard Cohen.

By now, the column has been inundated by thousands of angry online comments, which Cohen no doubt anticipated. But he stands his ground: "The Obama administration ought to call Cheney's bluff, if it is that, and release the memos. If even a stopped clock is right twice a day, this could be Cheney's time."

We feel exactly the same about Richard Cohen. ♦

LICENSED TO UNZ.ORG
ELECTRONIC REPRODUCTION PROHIBITED

Casual

Dom DiMaggio, 1917-2009

When I was a boy, maybe eight or nine, my father took me aside to show me a baseball. I'd seen the ball before. It had been sitting on his dresser for as long as I could remember. But I'd never taken it off the dresser for a closer look or even given it a second thought.

My father, after graduating from West Point in 1934, was a cavalry officer—horse cavalry—at the Presidio of Monterey in California. It was there he met and married my mother, the daughter of the post commander. The Presidio was also where he met and spent a baseball season with Dom DiMaggio, the younger brother of Joe.

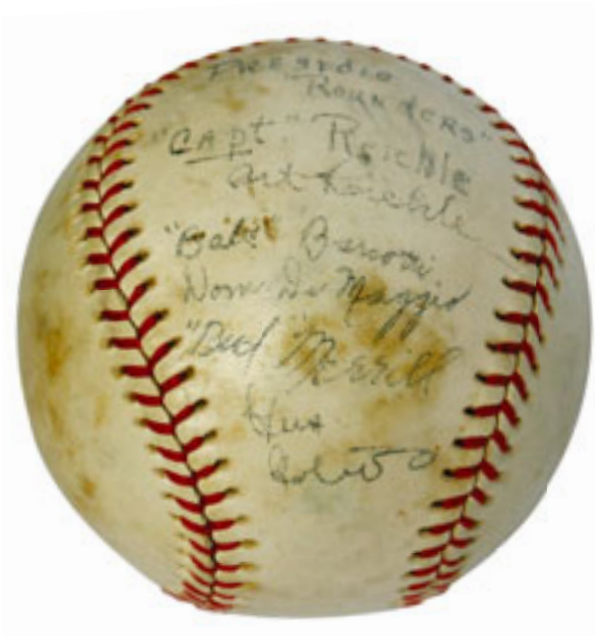
Lieutenant Barnes was the coach of the post's baseball team, the Presidio Rounders, and DiMaggio was his centerfielder. DiMaggio was a teenager, 18 or 19 at the time, and was either doing summer Army duty at the Presidio or was a ringer who merely worked there as a civilian. It was never clear which one it was. DiMaggio was the star of the team.

My father explained all this and pointed out the autographs on the ball. Every player had signed his name. One of them, my father said, had gone on to play in the big leagues. Not only that, he was still playing for the Boston Red Sox. And his signature was on the ball in neat script: Dom DiMaggio.

This may seem like an insignificant incident. But for me, it was a life-changing moment. I was instantly a follower of the Red Sox. In those days—the 1950s—it was impossible to get sports scores in timely fashion. There was no Internet or cable, and not much on the radio or TV. You had to wait for the next day's newspaper. When it came, I turned first to the sports section, developing a habit that's never gone away.

Dom DiMaggio soon retired. I was sorry to see him go, but his absence changed nothing. What I didn't realize was the special phenomenon at play: There are no former Red Sox fans. It's for life.

And there's another phenomenon. Being a Red Sox fan is time consuming. You think about the Red Sox a lot, musing about their lineup, wondering why they couldn't get enough good pitchers. Over the years, I suspect I've spent hours, days, even months, contemplating this or that about the Red Sox.



THE FREDERIC W. BARNES COLLECTION

When I was 10 and 11, I played Little League baseball. I made sure to get number 10 on my uniform. That was the number of my favorite Red Sox player, Billy Goodman. I saw the Red Sox in person in the late 1950s and 1960s when they came to Washington, where I grew up, to play the Senators. I saw Ted Williams. But in 1972, after the Senators moved to Texas, the closest the Red Sox came was Baltimore. And that was a hike.

When I was 35, I spent a year in Boston as a Nieman Fellow at Harvard. The program is for journalists. When I was interviewed, I told the judges that one reason I wanted to get the fellowship was so that I could attend Red Sox games. I don't think the judges believed I was serious. But I was, and I saw many, many games. This was 1977 and 1978, and tickets weren't hard to come by.

Years later, I met Walt Day at a Christian conference at, of all places, Harvard Law School. He was chaplain of the Red Sox. He invited me to talk to the team at the chapel the next morning, Sunday. I accepted. I don't recall what I said. But I do remember Tim Wakefield, the knuckleballer, sat right in front of me. My son, Freddy, sat in the back of the room, next to Nomar Garciaparra.

There's a sequel. My friend Lionel Chetwynd, the Hollywood screenwriter and producer, knew the owner of the Pittsburgh Penguins hockey team. So when my son was 10, Chetwynd arranged for a hockey stick used in a game by Mario Lemieux, and autographed by him, to be sent to Freddy.

You can probably guess the rest. This was a life-changing experience for Freddy. He became a passionate Penguins fan. When we went to two recent playoff games in Washington between the Penguins and the home team Capitals, he insisted on wearing a Pens jersey. He's a fan for life.

I never saw Dom DiMaggio play, and I never met him. But my father did and that was enough. DiMaggio died recently at 92. My dad was proud of his association with DiMaggio. After showing me the autographed ball, he put it back on his dresser. It stayed there until the day he died.

Fred Barnes

LICENSED TO UNZ.ORG
ELECTRONIC REPRODUCTION PROHIBITED

D.C. Education Proposal

Mary Katharine Ham wrote that D.C. mayor Adrian Fenty supports keeping the Opportunity Scholarships while being generally ambivalent about vouchers ("The Shame of the Senate," March 23). Perhaps Fenty's objection to standard vouchers is their nonegalitarian nature, since relatively affluent parents could supplement vouchers with their own funding so as to skim off some of the better public school students and send them to higher-cost, exclusive private schools. Actually, there's a way to achieve totally egalitarian universal private education—at no additional cost to the D.C. school district and without having to depend upon Senator Dick Durbin and a capricious Congress for a limited number of "Opportunity Scholarships."

The plan is to (a) use the public school budget to provide scholarships that are set equal to the per-student average public school classroom operating costs (primarily teachers' salaries) to every D.C. student; and (b) lease existing individual public school classrooms or entire schools at no cost to the private education service providers who successfully attract enough students to fill them; while (c) requiring that the scholarships be accepted by the private educators as payment-in-full.

The competing private education service providers will undoubtedly draw upon those who had been the better public school teachers. President Obama's ostensible education objective of "mov[ing] bad teachers out of the classroom" would automatically occur as the process of competition and choice brought genuine opportunity to all.

George R. Compton
Dallas, Ore.

Fashionable Liberalism

Noemie Emery's "Showered with Praise" (March 23) is an outstanding piece which captures the media's infatuation with our president—and its corresponding rejection of conservatism—in a poignant and refreshingly direct fashion.

I live in Manhattan, one of the epicenters of liberalism generally and Obamamania specifically, where one's liberalism and a Democratic affiliation are, at least in some cases, more of an indispensable fashion accessory than the product of thought, conscience, or reason. It never ceases to amaze me how my peers and neighbors, who possess very flattering views of their own intellect, flatly rule out the possibility of voting Republican despite frequently recognizing that liberal policies are neither good for the country as a whole nor in their self-interest. All the while they voice, albeit in hushed, very elegant, and articulate language, the self-interest (and, often, intolerance) that they smugly attribute to suburban and rural Republicans.

I used to attribute this primarily to guilt fueled by liberals' claim of a monopoly on civic virtue and good intentions. While I still think that's a driver of the phenomenon, it's becoming clear to me—and Emery's piece effectively illustrates—that the urban elites simply embrace liberalism because they think it's cool. It's much like going to the hottest new club in town: You may not like the music, but you're nobody if you're not there anyway.

James E. Berger
New York, N.Y.

In Search of Stockton

Jonathan V. Last's entertaining column ("On the Road," March 23) leaves the impression that New Jersey has underappreciated the contribution of Richard Stockton to our nation's founding. Please note that in addition to a rest stop, Stockton State College bears its name in his honor. Nonetheless, I would agree regrettably that New Jerseyans are not as aware as they should be of one who pledged his life, his fortune, and his sacred honor for the birth of our nation.

Edward Wuillermin Jr.
Hammonton, N.J.

Homage to the Hunt

As the owner of a company that provides video services to many Virginia horse shows in prime hunt country, I am becoming increasingly familiar with the tradition and nature of the hunt ("Chased by Modernity" by Roger Scruton, March 16). Contrary to the beliefs of gung-ho animal rights activists, hunting with hounds is—as Scruton points out—not about merciless killing. It is a celebration of nature and the natural order of things. This celebration is something that I did not fully appreciate until I got the opportunity to watch hounds work a hot scent. To see a pack of hounds move together like a school of fish is a thing of beauty, as is the ingenious line of the fox, as it uses all the tricks in the book to fool the pack and lead it astray. Do I feel a bit bad for the occasional rabbit that crosses the hounds? Certainly. That passes soon enough, however, as I realize the natural balance of the hunter and the hunted.

I do hope that this issue gains recognition, and that foxhunting, as a sport, gains educated support, for the thrill of the chase could not take place without the cooperation of landowners, well-trained hounds, steady and confident horses, savvy equestrians, and clever quarry.

Long may this sporting tradition live.

Ashley Gibbon
Medford, N.J.

• • •

The Weekly Standard
welcomes letters to the editor.
Letters will be edited for length
and clarity and must include the writer's
name, address, and phone number.

You may fax letters: (202) 293-4901
or email: editor@weeklystandard.com.

LICENSED TO UNZ.ORG
ELECTRONIC REPRODUCTION PROHIBITED

Be Politically Incorrect!

Sport your opinionated style with our new ***Weekly Standard*** merchandise! Great as gifts or keep them for yourself!

BASEBALL CAP

Show which team you're on with a *Weekly Standard* baseball cap

the weekly Standard

POLO SHIRT

Wear your politics on your sleeve with an embroidered Weekly Standard logo polo. (Available in white and navy)

HEAVY-DUTY GOLF UMBRELLA

Brave the political storms under our nylon golf umbrella

THE BILL & FRED COFFEE MUG

Start your morning off "right" with this 19 oz. coffee mug

Order today at ***weeklystandardstore.com!***
or call us toll-free at **1-866-869-6389!**

LICENSED TO UNZ.ORG
ELECTRONIC REPRODUCTION PROHIBITED

the weekly Standard

Don't Wince. Fight!

When accused of being too aggressive on behalf of the United States at the United Nations, Daniel Patrick Moynihan was fond of repeating a French proverb: "*Cet animal est fort méchant, / Quand on l'attaque il se défend*." Imagine—an animal so mean that, when attacked, it defends itself!

Dick Cheney is reminding Republicans that they need to defend themselves when attacked.

When President Obama released the Justice Department interrogation memos a month ago, Cheney denounced him for doing so. He explained why it was inappropriate and unwise to release such documents. But he did more. He didn't just defend himself and the administration in which he served. He fought back, and encouraged others to do so.

He challenged the president to release CIA memos evaluating the effectiveness of the enhanced interrogation techniques. He raised the question of whether congressional Democrats—Nancy Pelosi, for one—had known of, and at least tacitly approved of, the allegedly horrifying abuses of the allegedly lawless Bush administration.

Now, a month later, Pelosi is attacking career CIA officials for lying to Congress, and other Democrats are scrambling to distance themselves from her. Meanwhile, the Obama administration has pulled back on threats to prosecute Bush-era lawyers, reversed itself on releasing photos of alleged military abuse of prisoners, and embraced the use of military commissions to try captured terrorists. The administration now looks irresponsible when it lives up to candidate Obama's rhetoric, and hypocritical when it vindicates Bush policies the candidate attacked.

So while some Hill Republicans were fretting about getting a positive message out and others were launching substance-free listening tours, while GOP operatives were wringing their hands about whether Republicans could recover from the Bush years, and while most senior Bush alumni were in hiding, Dick Cheney—Darth Vader himself, Mr. Unpopularity, the last guy you'd supposedly want out there making the case—stepped onto the field. He's made himself the Most Valuable Republican of the first four months of the Obama administration (ably assisted by a few bold denizens of the Hill like the ranking Republican on the House intelligence committee, Pete Hoekstra).

Of course, this has resulted in some Republican political operatives' doing what they do best: complaining, on background, to the media. "As Cheney Seizes Spotlight, Many Republicans Wince," was the front-page headline in Thursday's *Washington Post*. Two Republican "strategists" spoke "on the condition of anonymity in order to be candid." Profiles in courage! One of them opined that Cheney is "entirely unhelpful." The other elaborated, "Even if he's right, he's absolutely the wrong messenger. . . . We want Bush to be a distant memory in the next election."

To have such a juvenile understanding of political dynamics, you'd have to be a prominent "Republican strategist." You might actually have both the Dole *and* McCain campaigns under your belt. Or perhaps you were one of those who encouraged the Bush White House to assume a fetal position on most issues in its second term and not fight back against slanders or defend their people, because to do so would spotlight the "wrong" issues or people.

But of course an intelligent and knowledgeable advocate—even if he's personally not so popular—can do a lot to get an issue front and center. And the debate of that issue can do political damage to the existing administration and its congressional allies.

The real question any Republican strategist should ask himself is this: What will Republican chances be in 2012 if voters *don't* remember the Bush administration—however problematic in other areas—as successful in defending the country after 9/11? To give this issue away would be to accept a post-Herbert-Hoover-like-fate for today's GOP. That's why Republicans should listen carefully when Cheney gives a speech this week in which he'll lay out the case for the surveillance, detention, and interrogation policies of the Bush administration in the war against terror.

Now it's of course the case that Republicans have to do more than fight back. They need a forward-looking agenda in all areas. They can't just defend themselves against slanders or point out the flaws of their opponents. But they do have to fight back first.

After all, if you're behind on the scoreboard, and your defense is on the field—there's nothing better than to jam up a couple of running plays, sack the quarterback on a blitz, and force a punt from bad field position. The momentum changes as your offense takes over with a shot at putting some points on the board. Dick Cheney probably won't be the glamour quarterback of the Republican comeback. But he's proving to be a heck of a middle linebacker.

—*William Kristol*

LICENSED TO UNZ.ORG
ELECTRONIC REPRODUCTION PROHIBITED

A Scary Story

We all love scary stories, and the 2009 report from the trustees of Social Security and Medicare is one of the most frightening that's been published in years. Unfortunately, it's nonfiction.

The trustees conclude that a combination of lavish benefits, an aging population, and a moribund economy has brought the United States's social insurance system close to bankruptcy. Medicare is already running a deficit, and the trustees say that it will be totally out of money by 2017. Social Security will be in the red as soon as 2016. That's a problem not only for Social Security. It's a problem for the federal budget.

Why? Because our representatives in Congress—all of whom qualify for the Arthur Andersen Award in Creative Accounting—currently use the Social Security surplus to reduce the government's overall annual budget deficit. Despite that surplus, this year's overall deficit is already at $1.8 trillion. Imagine what it will be when Social Security has to borrow money to send Nana her check.

The saying goes that the federal government is nothing more than a giant insurance company with a side business in defense. Most federal expenditures, after all, go to just four things: Social Security, Medicare and Medicaid, interest on the national debt, and the Pentagon. But here's the bad news: The insurance company the government most closely resembles is AIG.

Deficit spending is "unsustainable," President Obama said last week. "We can't keep on just borrowing from China." He's right. But talk is cheap. President Obama says Social Security needs to be reformed. Great. Where's his plan? Obama says Medicare's deficit is a problem. Too true. Why isn't he doing anything to solve it?

The president acknowledges that Medicare is on the verge of crisis. He says the only way to prevent the crisis is to restrain overall health care spending. And how will we do that? He hasn't said. But he's given some hints. Step one: tax employer-provided health care. In this instance at least, the president understands that when you tax something, you get less of it. Step two is determining, through "comparative effectiveness research," which health treatments the government will pay for. Our guess is, the cheap ones.

The president will deserve praise if he's able to do something every other American president has not: reduce the growth of Medicare. We think that's unlikely. Obama faces the same problem that stymied his predecessors. There simply isn't a political constituency for reducing the amount of a public good (health care spending) provided to a powerful political lobby (retirees). And indeed, Obama promises to make the problem worse, since his universal health care program would increase the amount of outstanding government obligations paid for by money that the government simply doesn't have.

Obama's budgets promise huge spending and deficits all the way to the horizon. The debt is unsustainable. To pay back the government's creditors, America would have to undergo an economic growth spurt similar to the post-World War II boom. But even Dr. Pangloss would think such prosperity is unlikely in the near future. Meanwhile, bizarrely and perversely, Obama and the Democrats on Capitol Hill say that the only way to fix America's spending problem—we are not making this up—is to spend more money. More on energy. Health care. Education. The three pillars of the president's "new foundation." Don't worry about the cost, Obama says. The rich guy at the other table will pick up the bill.

If nothing is done to cap spending, raise the retirement age, and index benefits to inflation and income, then taxes will have to be raised across the board.

But that's a fantasy, too. Allowing the Bush tax cuts to expire will raise some revenue, but not nearly enough to fill the fiscal hole. You'd have to return to FDR- or Eisenhower-level confiscatory rates to make an impact, but that still wouldn't do enough—though it would help the folks betting against the Dow, as well as banks in Switzerland and the Cayman Islands. If nothing is done to cap spending, raise the retirement age, and index benefits to inflation and income, then taxes will have to be raised across the board. On Warren Buffett, on Joe the Plumber, on Harriet Homemaker, and everyone else who purchases a good, receives an income, accrues interest, owns property, or earns dividends. The only other option is an inflation that will depreciate the currency and destroy middle-class savings.

Obama likes to talk about a new era of responsibility, but he has a curious understanding of the concept. When you are in debt, responsibility is spending less and saving more. Imposing discipline. Budgeting for the future. It is not borrowing from Matthew to pay Mark while taxing Luke to weatherize John's house.

Then again, based on our reading of the trustees' report, maybe it makes sense for the president to duck the hard choices. Obama talks about the "day of reckoning," but right now it looks as though that day won't arrive before 2017. He'll be safely out of office.

Lucky guy. His successors won't be.

—Matthew Continetti

LICENSED TO UNZ.ORG
ELECTRONIC REPRODUCTION PROHIBITED

Cheney's War on the Democrats

He might be unpopular, but he's winning the debate.

BY STEPHEN F. HAYES

GARY LOCKE

Well, that settles it. Maureen Dowd thinks Dick Cheney should shut up. Cheney, she writes, is "batty," has "numskull ideas," and "still loves torture."

> Just as Jeb Bush and other Republicans are trying to get kinder and gentler, Cheney has popped out of his dungeon, scary organ music blaring, to carry on his nasty campaign of fear and loathing.

Cheney, she concludes, "has replaced Sarah Palin as Rogue Diva."

Oh, snap.

All of this, we are told, is hurting Republicans. "It is very difficult for me to understand how the continued presence of Dick Cheney in the public eye could be helping the Republican Party at all," wrote Joshua Tucker, a professor at New York University, on *Politico* in response to a question about whether Cheney is helping Democrats or Republicans.

> As of late March, Gallup was reporting that Cheney still had phenomenally high negative approval ratings (63 percent) and phenomenally low positive approval ratings (30 percent), which is basically where those marks were a year earlier. For now at least, it seems that the more he talks, the more of a gift it is to the Democratic Party (and Democratic Party fundraisers!), and the harder it will make it for the Republican Party to put its disastrous results in the 2008 elections behind it.

Others on the left, though, want Cheney to keep talking. "As long as he remains the public face of the Republican Party, it will remind voters of why they elected Obama," wrote Darrell West, a vice president at the Brookings Institution. "Democrats should think about buying national TV time for Cheney whenever he wants it."

If they do, Cheney should accept. He's not only changing the debate about U.S. national security policy, he's winning it.

Since the first days of the Obama administration, Cheney has been publicly warning about the consequences of rolling back Bush administration war on terror policies. "When we get people who are more concerned about reading the rights to an al Qaeda terrorist than they are with protecting the United States against people who are absolutely committed to do anything they can to kill Americans, then I worry," he said in an interview with *Politico*, published just two weeks after he left office. He added: "The United States needs to be not so much loved as it needs to be respected. Sometimes, that requires us to take actions that generate controversy. I'm not at all sure that that's what the Obama administration believes."

The Obama administration eagerly engaged him. White House spokesman Robert Gibbs has regularly taken shots at the former vice president from the podium. When Steve Kroft of *60 Minutes* interviewed Obama for a program

Stephen F. Hayes is a senior writer at THE WEEKLY STANDARD.

LICENSED TO UNZ.ORG
ELECTRONIC REPRODUCTION PROHIBITED

that aired March 22, he assumed—correctly—that Obama would be eager to take on Cheney.

> *Steve Kroft*: One question about Dick Cheney and Guantánamo. I'm sure you want to answer this.
> *President Obama*: Oh, absolutely.
> *Steve Kroft*: A week ago Vice President Cheney—said essentially that your willingness to shut down Guantánamo and to change the way prisoners are treated and interrogator—interrogated—was making America weaker and more vulnerable to another attack. And that—the interrogation techniques that were used at Guantánamo were essential in preventing another attack against the United States.
> *President Obama*: I fundamentally disagree with Dick Cheney. Not surprisingly. You know, I think that—Vice President Cheney has been—at the head of a—movement whose notion is somehow that we can't reconcile our core values, our Constitution, our belief that we don't torture, with our national security interests. I think he's drawing the l—wrong lesson from history. The facts don't bear him out.

This public back-and-forth has continued unabated, and Obama, for all of his personal popularity, finds himself—along with his party—on the defensive. He is in the uncomfortable position of arguing that Cheney is wrong about the "facts" surrounding enhanced interrogation and insisting that those facts be kept from public view. The CIA last week denied Cheney's request to declassify two CIA reports that provide details of some of the intelligence obtained in those interrogations. The agency claims that the memos cannot be released because they are the subject of pending Freedom of Information Act litigation.

Obama could overrule the agency, but he's chosen to hide behind the FOIA technicality. It's hard not to see politics here. On April 16, the White House declassified four Bush-era Justice Department memos that would have almost certainly been covered by the same FOIA restrictions. And on April 22, at the request of Senator Jay Rockefeller, the White House declassified and released a chronology of the Bush interrogation program.

Despite repeated claims that he will run the most transparent administration and his own order that federal agencies consider all FOIA requests with a presumption of disclosure, Obama has thus far refused to share key documents with the public.

Meanwhile, Speaker of the House Nancy Pelosi has proved utterly incapable of providing a coherent or consistent narrative of her knowledge of the enhanced interrogation techniques. On Thursday, she accused the CIA of "misleading Congress" on interrogations.

While some of these wounds are self-inflicted, there is little doubt that the constant pressure applied by Cheney is having a significant effect.

Cheney is making arguments that the Bush administration largely avoided throughout the second term. Aside from an occasional, defensive speech about its war on terror policies, the Bush White House allowed its opponents to level harsh attacks with little or no response. Only in the final months of the administration did the White House offer a consis-

WE SEE THE FUTURE
DIFFERENTLY.

It's bright. We have the most fuel-efficient midsize sedan in America.[1] We have the most fuel-efficient SUV in the world.[2] And we are scheduled to deliver our first production electric vehicle in the market next year. So yes, these are difficult times, but we're driving in the right direction.

To see why, please visit **thefordstory.com.**

The details: [1]EPA-estimated 41 city/36 hwy mpg, Fusion Hybrid. Midsize class per R. L. Polk & Co. [2]Unadjusted city fuel economy from EPA (10/08) and VCA (5/08). EPA-estimated 34 city/31 hwy mpg, FWD. Actual mileage will vary. Excluding vehicles built for Mazda.

LICENSED TO UNZ.ORG
ELECTRONIC REPRODUCTION PROHIBITED

tent, unapologetic argument that Bush administration policies, however controversial, were responsible for keeping the country safe in the seven years after the 9/11 attacks.

Equally important is that the views of the American public on national security are much closer to Cheney's than Maureen Dowd's. Democrats have made the assumption that because Cheney is personally unpopular, the policies he has advocated are, too. Obama did not become president because voters supported his positions on national security and the war on terror. They don't.

In a widely overlooked Pew poll on "torture" released late last month, respondents were asked: "Do you think the use of torture against suspected terrorists in order to gain important information can often be justified, sometimes be justified, rarely be justified, or never be justified?" (Cheney would no doubt object to the wording of the question, insisting that the policies used by the Bush administration were not "torture.") If Cheney is batty because of his views on interrogation, what must Maureen Dowd think of the American public.

A stunning 71 percent of those surveyed said that the use of torture could be justified—with 15 percent saying it is "often" justified, 34 percent saying it is "sometimes" justified, and 22 percent saying it is "rarely" justified. Independents fall decisively in what most journalists might characterize as the "pro-torture" camp. More than three-quarters of independents—77 percent—said that torture could be justified: with 19 percent saying it is "often" justified, 35 percent saying it is "sometimes" justified, and 23 percent saying it is "rarely" justified. The phrasing of the question also likely resulted in underreporting the support for what Cheney calls "enhanced interrogation," since some of the respondents might be hesitant to admit to a random telephone caller that they favor "torture."

Cheney plans to continue his public role as Obama's chief critic on these issues. He will formally appeal the CIA's decision to withhold the memos, and on May 21 he will pop out of his dungeon once again to give a speech that promises to offer his most comprehensive defense yet of Bush administration's war on terror policies.

No word on whether there will be organ music. ♦

Obama's Injustice Department

The irresponsible Office of Professional Responsibility. BY MICHAEL STOKES PAULSEN

Government lawyers in the Department of Justice's Office of Professional Responsibility (OPR) appear to have leaked to the press parts of a confidential—and classified—draft report concerning the actions of Bush administration lawyers. The report calls for state bar associations to investigate, and perhaps discipline, attorneys who provided sensitive legal advice to President Bush's administration concerning the legal limits of coercive interrogation methods against high-level al Qaeda terrorists. That advice was, of course, controversial. It is now, in the current political climate, highly unpopular in certain circles. OPR has determined, apparently, that it was "unethical" to give it and that the lawyers involved should be punished.

How many things are wrong with this picture? From the perspective of legal ethics, constitutional law, and good government, I count at least five big problems.

1. *The leak itself*: Trial by innuendo and media exploitation is a McCarthyite tactic and is forbidden by the canons of legal ethics. So too is a breach of a lawyer's duty of confidentiality. Here, the original leak dates back to December, and it is not hard to discern a reason behind it: OPR's draft report was emphatically rejected by then-Attorney General Michael Mukasey. What's a bureaucrat to do, when his views are repudiated by his boss? In Washington, the answer is to leak the views to the press. But for a lawyer, such conduct is among the most fundamental of ethical violations: The ABA's Rules of Professional Conduct state: "A lawyer shall not reveal information relating to the representation of a client unless the client gives informed consent."

Violating client confidentiality is a grave ethical breach. It is the type of conduct for which shoddy lawyers are routinely disbarred or suspended from the practice of law. In this case, to the extent the disclosure involves classified information, such conduct may well be a federal crime.

If the leak came from, or involved the knowing assistance of, lawyers in the OPR or elsewhere, *they* should be investigated and disciplined. It is outrageous to think that government "ethics" lawyers would engage in such blatantly unethical conduct. Who watches these watchdogs? OPR's reported actions suggest that the real need is for an ethics investigation of the Justice Department's ethics office.

2. *Unconstitutionally outsourcing federal ethics responsibility*: Then there is OPR's cowardly attempt to farm out ethics investigations to state bar authorities. This is a transparently political maneuver. It is also contrary to longstanding federal policy—and arguably to the Constitution. The Department of Justice has maintained that regulation of

Michael Stokes Paulsen is university chair and professor of law at the University of St. Thomas, in Minneapolis. He was an attorney-adviser in the Office of Legal Counsel from 1989-91.

LICENSED TO UNZ.ORG
ELECTRONIC REPRODUCTION PROHIBITED

the ethics and conduct of federal government attorneys is a matter for the *federal* government, acting through the attorney general—not for state bar panels. Were it otherwise, state officials could interfere with the conduct of federal officials. (Constitutional lawyers will recognize this as a problem under the Supreme Court's famous 1819 decision in *McCulloch* v. *Maryland*, which held that state laws may not interfere with federal officers' actions.)

Why would OPR recommend this? To impose political punishment (of a sort) on Bush attorneys, but without bearing accountability. The Obama Justice Department is, rightly, reluctant to take "disciplinary" action itself with respect to the attorneys who advised the prior administration. In the first place, it is not clear what it meaningfully could do since those involved no longer work for the executive branch. Second, it would smack of partisan payback (which it is). What better solution than to outsource the task to "neutral" bar authorities? But this is a transparent façade that should fool no one. And it is a ruse that would come back to harm Democratic as well as Republican administrations: Whenever you disagree strongly with lawyers' advice from a previous administration, don't just change the legal advice, ask state bar associations to investigate. This is an excellent formula only if your goal is to chill candid legal advice and government service by licensing retaliation against lawyers in prior administrations with whose views you disagree.

3. *Incompetently assessing lawyers' professional roles*: OPR seemingly has no comprehension of the basic principle of legal ethics that a lawyer does not endorse everything his client may wish to do, within the bounds of the law. A lawyer acts *properly* when he seeks to help his client figure out exactly where the lines are. ABA Rule 1.2(d) provides that lawyers may not counsel clients to engage in conduct they know is illegal, but that a lawyer "*may discuss the legal consequences of any proposed course of conduct with a client and may counsel or assist a client to make a good faith effort to determine the validity, scope, meaning or application of the law.*" It is plain from reading the memos involved that this is exactly what the Bush Justice Department lawyers were doing—discussing with their clients the legal consequences of what they proposed to do and endeavoring to assist them to ascertain the meaning and scope of the laws and constitutional provisions involved.

The leaks suggest that OPR has reviewed internal emails and found what it thinks are indications that the client agencies (the CIA or the White House) wanted the Department of Justice attorneys to come out a certain way or consider specific issues or arguments—that they had a desired or preferred outcome, which would permit harsh interrogations to go forward. Surprise! Clients *always* have a desired result in mind and would prefer that their lawyers say yes rather than no. Government agencies are, in my experience, no different from any other client in this regard.

But so what? In the absence of smoking-gun evidence that the lawyers had concluded that a proposed course of conduct was illegal, but that they then agreed to provide a "cover" memo whose advice was contrary to that conclusion, there is no ethical problem here at all. There is nothing wrong with a lawyer exhaustively studying all plausible legal avenues that might sustain a client's desired course of conduct. There is nothing wrong with exploring additional arguments that may support a client's proposed course of action, even if those might not have been part of a lawyer's initial thinking. There is nothing wrong even with a lawyer reconsidering or modifying his initial views in the course of such a process.

For OPR to suggest anything else—to suggest that this is a violation of legal ethics principles—would be, in my opinion, an *incompetent* analysis of the law of legal ethics.

4. *Incompetence about competence*: Which brings me to a fourth huge flaw in what OPR is said to be reporting: the suggestion that the Bush administration lawyers' legal work failed to satisfy professional standards of "competence." The notion is that failure to cite some specific case, or to discuss some historical precedent, renders the Bush team's legal analysis incompetent.

As a matter of legal ethics law, as applied to the memos in question, this is simply ludicrous. One may well *disagree* with the conclusions reached in one or more of the memos, or with some of the arguments contained therein. One may well think that the memos should have been written differently—discussed certain points not included, omitted certain arguments that *were* included; said less, said more. But there is a world of difference between Monday-morning quarterbacking and incompetent lawyering. Anyone who does not recognize that is not thinking straight—is either not himself a good lawyer or is blinded by a partisan agenda. One can make many fair criticisms of the legal memos, but incompetence is not a charge that can fairly be made.

5. *Incompetence about the underlying law*: Constitutional law, in addition to legal ethics, is one of my areas of teaching and scholarship. In my opinion, the most basic problem with any suggestion of incompetence is that *the memos' essential legal conclusions are correct*. There is a fundamental distinction in the law between what constitutes actual, legal "torture" under applicable standards and what may be harsh, aggressive, unpleasant interrogation tactics but not, legally, "torture." Reasonable people will come to different conclusions as to where that line is, but the Bush administration's lawyers' conclusions are certainly defensible and, I think, ultimately correct. As a matter of constitutional law, moreover, the Bush administration memos' most sweeping and categorical conclusion—that at all events no statute or treaty may limit the president's sole *constitutional* powers as military commander in chief to direct and conduct the use of U.S. force—is in my opinion unquestionably correct.

This view is informed by my experience both as a law professor and, nearly two decades ago, as an attorney in the Office of Legal Counsel (OLC) of the Department of Justice—the same office that provided the advice

LICENSED TO UNZ.ORG
ELECTRONIC REPRODUCTION PROHIBITED

in question during President George W. Bush's administration. The types of constitutional and statutory arguments made in the disputed memos are consistent with longstanding OLC positions with respect to presidential power under Article II of the Constitution. They involve subtle niceties of constitutional law and history. OPR attorneys are, as a rule, not as conversant in such matters. To put the point in terms of legal ethics: Were the Office of Professional Responsibility to purport to pass judgment on the *competence* of the constitutional and statutory analysis of the OLC memos, it would be straying far beyond *its* areas of purported competence.

When I teach legal ethics, I tell my students that one aspect of competence is to know what you know and to *know what you don't know*, and to stay away from the latter. It is fair to wonder whether staff attorneys in OPR—whose actions with respect even to the law of legal ethics appear so dubious—possess the requisite professional skill, expertise, and knowledge to competently evaluate (let alone second-guess) OLC lawyers' analysis of constitutional law, treaties, international law, and complicated criminal statutes. We will see: If OPR's leaked report becomes public and indeed takes the Bush team to task on grounds of professional legal competence, it will be fair to ask whether OPR attorneys really understand the substantive law they are talking about—or whether the charge of incompetence falls more heavily on their own heads.

Unethical leaks and confidentiality violations; outsourcing federal responsibilities; basic misunderstandings of legal ethics principles; incompetent analysis of constitutional, international, treaty, and statutory law. What more could be wrong with an ethics office's actions? It is hard to know for sure—without seeing OPR's report—the full extent to which it contains all of these problems. But leaked accounts of the OPR's draft report so far call *that* office's ethics and professionalism into question more than they do those of anyone else. ♦

Seminar in Shamelessness

The Ayers-Dohrn road show.

BY MARY KATHARINE HAM

Baltimore

Bill Ayers and Bernardine Dohrn gave a seminar in shamelessness last week. On the road to promote their new book *Race Course Against White Supremacy*, the radical couple sat in armchairs on a small stage at Baltimore's Enoch Pratt Free Library, conducting a "dialogue" instead of the usual book-tour speech.

Ayers wore the uniform of an aging professor whose grasp on hipness is as thin and worn as the knees of his jeans. A sport coat nods to professionalism, while his T-shirt bespeaks authenticity. Thanks to a media blitz during the presidential campaign last year highlighting Ayers's connections to his Chicago neighbor Barack Obama, Dohrn—who outranked her husband both in the Students for a Democratic Society (SDS) and in felony convictions—has been reduced to sidekick status, waiting to deliver her opening remarks after his and praising his jokes, which she's "still laughing at after all these years."

She has traded the leather boots and mini-skirts of her militant days for the blousy, granola-professor look, the small red flower in her gray hair a wry accessory for a woman who found no power in flowers during the late '60s, when she deemed the nonviolence they symbolized weak and passé.

Ayers and Dohrn, as the country was reminded during the campaign, founded the Weather Underground—a terrorist group that splintered from the SDS in favor of fomenting violent revolution during Vietnam. In service of that goal, the group damaged hundreds of thousands of dollars in property and killed at least six people.

You wouldn't know any of it to hear them speak today. Hawking rewritten history the way Ron Popeil sells a Showtime Rotisserie, Ayers and Dohrn marinated their militancy in self-righteousness, basted their guilt with the glistening mythology of the '60s, and set the thing to roast in the dark, warm halls of academe. They've now emerged on the lecture circuit, "respected" professors grinning ear-to-ear, with a patented recipe for rehabilitation without repentance.

The Weathermen-led riots in Chicago in 1969 and their declaration of war on the United States in 1970?

"Set it and forget it!"

The bombings of the U.S. Capitol (1971), the Pentagon (1972), and the State Department (1975)?

"Set it and forget it!"

The robbery of a Brinks armored truck in New York in 1981, during which two police officers and one guard were murdered?

"Set it and forget it!"

An FBI agent who infiltrated the group believes Ayers and Dohrn were personally involved in the February 1970 pipe bombing of a San Francisco police department, which injured eight and killed Sgt. Brian McDonnell, but they have never been indicted.

Three of the Weathermen, including Ayers's first love, blew themselves up building a nail bomb at a Greenwich Village townhouse in 1970. They were preparing the bomb for an attack on an officers' dance at Fort Dix, N.J., when their plans for mass murder were derailed by incompetence.

In the intervening years, the bombs and murders have been euphemized

Mary Katharine Ham is a staff writer at THE WEEKLY STANDARD.

LICENSED TO UNZ.ORG
ELECTRONIC REPRODUCTION PROHIBITED

with a wink for polite gatherings of leftists, such as the one in Baltimore. Bombings are now referred to as "tactics." The desire to topple American society through violence has become "activism for social justice."

I asked them (without euphemisms) this question: Given the fact that many leftists are disappointed with the actions of the Obama administration on detainee photos, military tribunals, and escalation in Afghanistan, when exactly would it be appropriate for concerned radicals to get violent again?

Ayers danced around the question, but Dohrn was less genteel, defending her own use of violence and declining to rule it out in the future, citing Nelson Mandela and John Brown as "radical" forbears who needed "armed resistance" to achieve justice.

"As to whether it's time to be violent again," she said,

> I don't take any action of violence lightly. ... We were determined not to let the Black Panther party ... be shot down by the government without white people trying to intervene and stop it and put our bodies on the line. That's what we thought we were doing. That's what powered our militancy, ... the incredible assault of this government on the black freedom movement in various forms. Luckily, in the old days, we pulled ourselves back from the brink. We didn't kill anybody. We didn't hurt anybody.

The *brink*? An interesting word choice for a woman who adopted the infant son of fellow Weatherman Kathy Boudin after Boudin was convicted on felony murder charges for her part in the Brinks robbery.

Dohrn's defense of the "old days" is characteristic of the mixture of denial, fabrication, and audacity that marks an Ayers-Dohrn "dialogue." They lecture other white Americans about their responsibility for colonialism, slavery, and Jim Crow, while denying responsibility for Weatherman killings because haplessness kept their hands clean in an oh-so-technical sense.

Dohrn bemoans the "invisible justice system" for white people— a symptom of society's "structural racism" perpetuated by white people not as enlightened as she—while ignoring the inconvenient fact that her years as a fugitive on the FBI's most-wanted list ended in only a $1,500 fine and three years' probation.

She decries the "Gulag of prisons across the United States," without acknowledging that during her time as a self-proclaimed "revolutionary Communist" she sympathized, colluded with, and met with Cuban and North Vietnamese officials who were enthusiastic users of political prison systems.

Ayers and Dohrn, in short, are shameless pitchmen for an alternative present and past, and their audience of aging fans and new far-left activists laps it up happily, bestowing Black Power salutes and the precious, revolutionary appellations of "brother" and "sister."

When asked what they like about their country by a Baltimore audience member, Ayers and Dohrn reply with predictable narcissism: its radicals and its history of radicalism. A radical, after all, might just talk himself out of a job if he concedes too much progress.

So, in the face of the election of the first African-American president, Ayers and Dohrn wrote a book on the scourge of "white supremacism." Dohrn can only concede that the state of modern women is "different," not necessarily better than it once was. They repackage the revolution to keep their relevance, dismissing American progress and peddling crank solutions to society's problems with all the eagerness of QVC spokespeople: "But wait, there's more!"

Ayers closed the event with a brazenly innocuous call to arms for his fellow radicals: "Go out and be *mensches*." One was left to wonder whether he meant the kind of *mensch* who occasionally blows up his countrymen for the good of the cause. ♦

Who Controls the Internet?

The United States, for now, and a good thing, too.

BY ARIEL RABKIN

In order to please our European allies and our Third World critics, the Obama administration may be tempted to surrender one particular manifestation of American "dominance": central management of key aspects of the Internet by the U.S. Department of Commerce. Other countries are pushing for more control. Early this year, British cabinet member Andy Burnham told the *Daily Telegraph* that he was "planning to negotiate with Barack Obama's incoming American administration to draw up new international rules for English language websites." It would be a mistake for the administration to go along. America's special role in managing the Internet is good for America and good for the world.

Internet domain names (such as www.google.com) are managed hierarchically. At the top of the hierarchy is an entity called IANA, the Internet Assigned Numbers Authority, operated on behalf of the Commerce Department. The U.S. government therefore has the ultimate authority to review or revoke any decision, or even to transfer control of IANA to a different operator.

Until now, the management of the Domain Name System has been largely apolitical, and most of the disputes that have arisen have been of interest only to insiders and the

Ariel Rabkin is a Ph.D. student in computer science at the University of California, Berkeley.

LICENSED TO UNZ.ORG
ELECTRONIC REPRODUCTION PROHIBITED

technology industry. IANA has concerned itself with fairly narrow questions like "Should we allow names ending in .info?" Commercial questions about ownership of names, like other property disputes, are settled in national courts. Political questions like "Who is the rightful government of Pakistan, and therefore the rightful owner of the .pk domain?" are settled by the U.S. Department of State.

There are persistent proposals to break the connection between IANA and the U.S. government. In these schemes, IANA would be directed by some international body, such as the United Nations or the International Telecommunication Union, which coordinates international phone networks. It is unclear what problem such proposals attempt to solve. There have been no serious complaints about American stewardship of the Internet, no actual abuses perpetrated by American overseers. But were we to abdicate this stewardship, a number of difficulties could arise.

Domain names sometimes present political questions. Which side in a civil war should control Pakistan's Internet domain? Should Israel's .il be suspended as punishment for its being an "Apartheid state"? What about Taiwan's .tw if China announces an attempt to "reabsorb its wayward province"?

Perhaps most serious, control of Internet names could become a lever to impose restrictions on Internet content. Many governments already attempt to control speech on the Internet. Some years ago, Yahoo! was subject to criminal proceedings in France for allowing Nazi memorabilia to be auctioned on its website. Britain, Canada, and Australia all have mandatory nationwide blacklists of banned sites, managed by nongovernmental regulators with minimal political oversight. Such blacklists can have unpredictable consequences: Wikipedia was badly degraded to British users for some hours because of a poorly designed censorship system targeting child pornography.

If we give control of the Internet naming infrastructure to an international organization, we must expect attempts to censor the Internet. The Organization of the Islamic Conference will doubtless demand the suppression of websites that "insult Islam" or "encourage hatred," and a number of European countries may well go along.

Most countries lack our First Amendment tradition, and if we wish to protect the free speech rights of Americans online, we should not allow Internet domain names to be hostage to foreign standards. Many other First World countries already have government-imposed restrictions on Internet speech that we would not contemplate here. Even if Internet governance were shared only with First World democracies, they might urge and ultimately demand that domain operators impose restrictions on content.

Most countries lack our First Amendment tradition, and if we wish to protect free speech rights online, we should not allow Internet domain names to be hostage to foreign standards. An international Internet-management organization could offer governments a way to impose restrictions without public debate.

An international Internet-management organization could offer foreign governments a way to impose restrictions without public debate. Rather than having a political fight about the matter, governments might quietly pressure international regulators to draw up and gradually extend "responsible behavior" codes for online speech. This would follow a pattern familiar in other global institutions: Governments negotiate preferred policies without public participation and then present the results as an international consensus, beyond political challenge.

American stewardship does not mean the world must put its entire trust in U.S. oversight. If the United States started using its privileged role in ways that other governments found intolerable, they could override this behavior. It would be technically straightforward for foreign governments to maintain their own naming infrastructure and to instruct Internet service providers to use it. This heavy-handed government intervention in network operations, however, would likely receive substantial public scrutiny. It probably would not be undertaken unless the United States gravely misused its authority over the Internet.

This same reluctance would apply to potential American responses to censorship or mismanagement by an international organization. The United States could, in theory, set up a renegade, uncensored Internet. But there would likely be significant public distrust, substantial political acrimony, and a great deal of hesitation. We are better off keeping the public Internet free and leaving the social and technical burdens on governments that want to censor. The present system is thus perhaps the best way to prevent the naming system from being used to chill online speech worldwide.

American supervision of Internet naming is not a historical accident. Much of the world's telecommunications infrastructure was developed by national post offices. Our unusual tradition of private infrastructure development, including the railroad and telephone networks, made America fertile ground for the development of the Internet. We expect government not only to settle political questions, but also to protect the freedom of private entrepreneurs as much as possible. To the extent that the Internet is decentralized and self-governing, it is so because Americans expect society to work that way.

It is natural for other countries to resent the privileged role of the United States in Internet governance and to demand a greater measure of control. But if we believe in free speech, we ought to keep control of the Internet away from foreign governments that value it far less than we do. ♦

LICENSED TO UNZ.ORG
ELECTRONIC REPRODUCTION PROHIBITED

The eBay Republican

Meg Whitman bids to save California

By Fred Barnes

Meg Whitman is the most interesting person in American politics and, potentially, a formidable Republican leader at the national level. At age 52 and a year after stepping down as CEO of eBay, she's running for governor of California. Like Ronald Reagan, she's a well-known star from another field—the corporate world in Whitman's case—who has entered California politics at the top and now intends to leapfrog an entire generation of ambitious political strivers.

Similarity to Reagan isn't what makes Whitman exceptional. Nor does the possibility she might copy a fellow billionaire, New York mayor Michael Bloomberg, and dip into her own fortune to win high office. Gobs of personal money in a campaign rarely elevates a candidate and never guarantees success. Her only prior role in politics was as an adviser to two losing presidential candidates in 2008, first Mitt Romney, then John McCain. Yet she's not entirely a novice. "Business has always been my passion," Whitman says. "But I've always followed politics closely."

That's fine, but what distinguishes Meg Whitman and makes her a fascinating political figure is one thing: eBay. Her decade as CEO of eBay, one of the most successful Internet startups ever, is the foundation of her campaign. "My philosophy of government is almost entirely driven by my 10 years at eBay," Whitman told me. Her philosophy is not new. Her foremost lesson from eBay is that individuals with little or no capital will thrive as entrepreneurs when offered unrestricted opportunity, an efficient market, a level field playing field, and low costs. Now Whitman would apply that lesson—and many others from eBay—to California in the form of streamlined government, fewer bureaucrats, deregulation, less spending, and lower taxes.

Her years at eBay did another thing for Whitman. They made her a celebrity known to millions simply as Meg. Lucky for her, an attempt in her first corporate job at Procter & Gamble to be called Margaret quickly failed. Margaret Whitman? In politics, Meg works better. At eBay, she developed a likable, if not exactly charismatic, public personality. And as eBay flourished, she became a favorite of business journalists. *Fortune* named her the most powerful woman in business in America in 2004 and 2005. When she jumped into the governor's race, *Fortune* put Whitman on the cover, standing beside a horse.

EBay is an online auction and swap meet that began in 1995 as a marketplace for collectibles such as PEZ dispensers. (A collection of PEZ dispensers, assembled by the wife of eBay founder Pierre Omidyar, is on display at eBay headquarters in San Jose, California.) Now buyers and sellers deal in everything from baby clothes to a Gulfstream II jet that auctioned for $4.9 million. In 2001, Bob Dylan's boyhood home in Minnesota was sold on eBay for $94,600.

Contacted in 1997 about the job of eBay chief executive, Whitman politely refused to meet with Omidyar in California. At the time, she lived outside Boston and ran the division of Hasbro, Inc., that markets Mr. Potato Head and other toys. She had moved east in 1992 when her husband, Griff Harsh, a brain surgeon, became head of neurosurgery at Massachusetts General Hospital. (Whitman is her maiden name.) Persuaded a few months later by a Silicon Valley headhunter to fly to California, she spent a day at eBay. One day was sufficient. She called her husband that evening and announced she was ready to uproot their family (two sons) and move to California. When she arrived in 1998, eBay had 30 employees, $4 million in revenues, and 300,000 registered users. When she left in 2008, it had 15,000 employees, $7.7 billion in revenues, and nearly 300 million registered users worldwide, more than 12 million of them in California. From 2002 to 2004, eBay was the fastest growing e-commerce company in the world.

"No company changed my life the way eBay did," Whitman says. It shows. The corporate culture at eBay is unique. The headquarters is in a nondescript building on the outskirts of San Jose. Executives, even the CEO, have cubicles instead of offices. "It creates a very non-hierarchical company," Whitman says. "People who will stop by your cubicle would not go to an office." The room set aside for conferences is smaller than the living room of Whitman's home a half-hour's drive away near the campus of Stanford University. Her husband is a professor of neurological surgery at Stanford University Medical School.

Whitman is chronically pleasant. She's garrulous but not given to small talk (at least in my three conversations with her). She once described herself to Patricia Sellers of

Fred Barnes is executive editor of The Weekly Standard.

LICENSED TO UNZ.ORG
ELECTRONIC REPRODUCTION PROHIBITED

Fortune as "frumpy, but she delivers." Indeed she has delivered. When eBay's website crashed in 1999, was out of commission for 22 hours, and later suffered periodic outages, Whitman spent weeks at eBay 24/7, sleeping on a cot. "I was scared," she says. She feared eBay would collapse. She wound up hiring a new technology chief at better than twice her own salary. At her insistence, eBay users were offered refunds for listing fees.

The egalitarian culture at eBay grew out of the company's extraordinarily democratic, libertarian, and populist business model. It's a laissez-faire model that's wildly out of favor today in Washington. The eBay idea: Create a minimally regulated market and let the users decide what's for sale. Business permits aren't required, nor do users pay local or federal taxes. "We inspired people to start businesses," Whitman says. "Your next door neighbor has an equal chance of success as a big corporation. We made a small number of rules, we enforced those rules, and we got the heck out of the way. We kept taxes low—which were our fees—so that people could keep more of their money and grow their businesses on eBay. We didn't try to tell the market where it was going to go." One result is that 1.3 million people now make some or all of their living on eBay.

DAVE MALAN

Whitman's oft-repeated example of the eBay model at work is what she calls "the car story." In 1997, Whitman was informed that 300 used automobiles were listed for sale on the website. She was completely surprised. Cars on eBay? This was unexpected, but she and her team quickly decided to open a separate section on eBay for cars. Today eBay is the largest retailer of cars in the world.

Political writers in California have been unimpressed by Whitman's entry into electoral politics. They've watched successful CEOs collapse in past statewide races. The veteran reporters at the popular *Calbuzz* website, Jerry Roberts and Phil Trounstine, mock her as "eMeg" and "her Megness." Whitman came off poorly in February in an interview by Michael Finnegan of the *Los Angeles Times*. He asked why her voter registration until 2007 was "declined to state," though she called herself "a lifelong Republican." She said she felt the CEO of eBay should appear politically neutral. She registered as a Republican to vote in the presidential primary in 2008 for Mitt Romney, her former boss and longtime friend.

Despite press skepticism, Whitman looks like the frontrunner for the Republican nomination for governor. Evidence of this comes from her chief opponent, California insurance commissioner Steve Poizner, the lone Republican currently serving in statewide elective office apart from Governor Arnold Schwarzenegger. Poizner has begun criticizing Whitman for decisions she made at eBay and for skipping a debate on the referendums in the May 19 special election. She ignores him. California is a Democratic state, yet the Republican primary a year from now matters. In 2010, Republicans will have held the governorship for 23 of the past 28 years, 84 of the past 109.

When Whitman spoke at a fundraiser for House Republican whip Eric Cantor in Richmond, Virginia, in February, she played up her experience at eBay. She turned down an offer of a limousine to take her from Washington to Richmond, by the way, and drove herself there in a rented car. "I was president and CEO of eBay for 10 years," she said. "And eBay reinforced two important Republican concepts with which I had been raised."

The first: Americans are "motivated by economic opportunity to achieve great things." By creating e-commerce, eBay "became the home of so many inspired individuals, Americans with the courage and passion to create businesses and jobs. I ran eBay with those folks in mind. We purposely kept regulation on eBay to a minimum so that small business could innovate."

The second: "Less government is simply better." Her career before eBay "had not involved me too closely with taxation, government bureaucracy, or regulation," she said. "But after years of watching government try to tax and regulate the success of eBay sellers, I left eBay with a strong belief that government's role in our lives should be limited. . . . Government can only help create the conditions for prosperity. Prosperity itself is up to each of us."

The concepts are free market bromides, but they serve Whitman's purpose of linking eBay and politics. She makes the same points in her stump speeches in California. But the lessons from eBay—lessons applicable to the cause of saving California—go far beyond the two broad

LICENSED TO UNZ.ORG
ELECTRONIC REPRODUCTION PROHIBITED

concepts. When I interviewed her in Washington and later in California, she mentioned at least eight more, some small, some large.

Count heads. We were having lunch three months ago when the subject came up of where to turn if revenues decrease. "Head count," Whitman said. "Any person who's ever run a business, whether it's a dry cleaning business, a flower shop, or Boeing, they totally get it," Whitman explained in a later conversation. "When you see revenue drop, you have to bring your costs into line or you're out of business." That means cutting the number of employees.

Schwarzenegger hasn't done that in California. The state payroll (345,000-strong) has grown 2 percent as revenues have fallen in the past year. The governor "has 4,000 appointments," Whitman notes. "Think about that for a minute. I mean, 4,000 appointments? First of all, what do these people do? Maybe you only need 2,000." Whitman has her own lingo. Non-online companies are "land-based." OPM? That's "other people's money."

Listen to people. Whitman responded to emails and implemented suggestions from eBay users. Her car story reflects this policy. Whitman, who studied economics at Princeton and has an MBA from Harvard Business School, insists "a bunch of MBAs sitting in a room, I promise you, would not have figured out" the value of selling cars online. "But eBay users did. . . . We provided the tools, and it is eBay users who created eBay. And it's not the California government that created California. It's Californians who create California. So the analogy, I think, people really understand."

Focus, focus, focus. Her words. Whitman is skilled, according to her associates at eBay and other Silicon Valley firms, at concentrating on a few big problems and coming up with solutions. She says this is what she would do as governor. "You've got to focus on three things: jobs, government spending, and education," she says. "Beginning, middle, and end of story." If you try to do too much—"boil the ocean," she calls it—"you get eaten alive by the bureaucracy. You get eaten alive by the legislature. You get eaten alive by the entrenched interests. You get eaten alive by the lobbyists."

Compete. California is hemorrhaging jobs, mostly to Arizona, Nevada, Texas, Utah, and Colorado. "It's because those states are easier to do business in," Whitman says. "Lower taxes, simplified regulation, and they compete. California is not used to competing because for so long we were the Golden State." No more. "If we're going to compete, we've got to get state spending under control so we can save money to compete."

Cut the layers. "There's a rule in business that for every layer of management, decisions take twice as long," Whitman says. "It's exponential. If you have three people, they take four times as long. Five, they take 20 times as long. In a government bureaucracy, if you've got layers and layers of people, it's really easy to say, 'no, no, no, no, no,' and there's 27 reasons you can't get anything done." By streamlining decision making, "you'd get more done."

Face bad news. "I used to say at eBay, 'Do not sit on problems.' Bad news is much better early because you have a chance to do something about it. So no surprises. I want to know the worst case all the time." In California, with a $150 billion budget and a huge bureaucracy, "you just don't decide that you're going to change something next week," Whitman says. Something like the state's "spending problem of epic proportions."

'The information infrastructure that runs the state of California is stuck in 1982. We run 17 financial systems at the state on 1982 Oracle financials. We don't actually know what the high school graduation rate is.'

Save to invest. At eBay, "every year, you would try to save money from doing the things you did last year and the year before—either stop doing things or do them better, so you free up money to invest in new things," Whitman says. That idea—basically operating more efficiently to free up funds—"is a very foreign concept in government."

Use information technology. Sacramento, the state capital, "is the most inward looking place I've ever seen," Whitman says. Information technology, constantly updated, runs eBay. "But the information infrastructure that runs the state of California is stuck in 1982. . . . We run 17 financial systems at the state on 1982 Oracle financials. We don't actually know what the high school graduation rate is because we don't have the IT infrastructure that tracks the kids."

Mitt Romney is Whitman's mentor. He hired her in 1981 to work for his business consulting firm, Bain & Co., in San Francisco when she was two years out of business school. "You're basically looking for intelligence," Romney told me, and getting-along skills. Whitman had both.

In 2006, as he was gearing up to run for the Republican presidential nomination, Romney had breakfast with Whitman at the Stanford Park Hotel near her Silicon Valley home. After she agreed to join his campaign as financial co-chair and part-time adviser, Romney broached another

LICENSED TO UNZ.ORG
ELECTRONIC REPRODUCTION PROHIBITED

subject. "Meg, you really ought to get in this yourself." Whitman laughed. Later, after Romney lost, she signed on with John McCain's campaign. McCain, too, urged to her to run for office. By then—fall 2008—she'd hired Jeff Randle, a talented Republican consultant who'd worked for Schwarzenegger and former Governor Pete Wilson, and had already spent a year studying California's staggering problems and the obstacles to solving them.

Whitman is energetic, as well as smart and knowledgeable on issues. On the Romney campaign, she was expected to be a celebrity surrogate with business credentials to reinforce Romney's message. But she quickly became a policy adviser and strategist. "She learned the entire federal budget cold and referenced it from memory when we were brainstorming on policy prescriptions," says her friend Dan Senor, a partner at a New York-based investment fund who met her on the Romney campaign.

What has struck me about Whitman is how normal she seems. She's rich. She donated $30 million to Princeton to build a sixth college on campus (dubbed Whitman College). But she routinely flies Southwest, travels by rental car to save money, and appears unfazed by her fame. Senor watched the third presidential debate at her home last fall, during which she cooked dinner. That was the debate in which McCain said Whitman was the kind of person he would want as Treasury secretary. "Meg heard her name, looked up at the TV for a second, and then went back to the tuna steaks," Senor says. "It was like she barely noticed. . . . No commentary, analysis, or patting on the back."

Whitman's virtues don't automatically make her a good candidate. Romney says her eBay experience brought out "the other part of Meg," her people skills. "She was not your typical CEO who does well in the boardroom but not on the shop floor," he says. "Being CEO of eBay is quite different. It was a people movement. It made over a million people entrepreneurs. She was more a leader than a CEO."

With Randle's help, Whitman has gained the support of two heavyweights in state politics, ex-Governor Wilson and Representative Kevin McCarthy of Bakersfield, the deputy Republican whip in the house. With Whitman, "it won't just come down to party politics," McCarthy says. Indeed she has considerable support among non-Republicans in the high-tech community and Hollywood (she worked for Disney from 1989 to 1992). But those elites are a tiny fraction of the electorate. When I talked to Michael Reagan, the president's son and a talk radio host, he wondered about her popular appeal. So did Marc Andreessen, the designer of the first popular web browser, Mosaic, now a high-tech entrepreneur and Democrat who's backing Whitman.

California has been cruel in recent years to first-time candidates from the business world. Northwest Airlines boss Al Checchi spent $40 million in the Democratic gubernatorial primary in 1998 and got 12.5 percent of the vote. Bill Simon, a wealthy investor who was the Republican nominee in 2002, lost in a landslide. Neither Reagan, elected governor in 1966, nor Schwarzenegger, who won in 2003, had previously been elected to statewide office. But they were popular actors. For others, winning a down-ticket office helped.

Checchi and Simon found their business records were their greatest vulnerability. Since Whitman has made eBay her chief talking point, her opponents are scrutinizing her tenure there and at other companies. Steve Poizner, her primary challenger, has pointed to eBay's purchase of online telephone company Skype as evidence her business prowess is overrated. Skype is now for sale by Whitman's successor at eBay for less than she paid for it.

Whitman faces a daunting collection of rivals. Poizner too is wealthy, and he is backed by one of California's most influential Republicans, former state senator Jim Brulte. A third Republican candidate, former congressman Tom Campbell, is also a serious threat. The three Democratic candidates aren't slouches either: Mayors Gavin Newsom of San Francisco and Antonio Villaraigosa of Los Angeles, and former Governor Jerry Brown.

Whitman's success depends largely on how Californians feel about their state next year. California is an economic basket case. It has the highest tax rate and biggest budget deficit in the country, third highest rate of home foreclosures, an unemployment rate (11.2 percent) that's never been higher, and, as Whitman says in every speech, its schools rank 47th of the 50 states in math, 48th in reading, and 43rd in science. Only 14 percent of Californians are satisfied with the state's performance. "Those are the people who aren't paying attention," says Wilson.

The question is whether California voters are ready to gamble on an untried newcomer. Whitman says she and she alone has the know-how and background to revive the state. "Look at where California is and what we need," says McCarthy. "The skill set? She has it all." Her supporters in the business orbit say the same. A second question—an unanswerable one for now—is whether she can master Sacramento. Democrats and unions dominate the town and the legislature. And they'll still be powerful after the 2010 election.

But let's assume Whitman is elected. She'd be governor of the biggest state, a brainy, conservative, accomplished woman at the top of the Republican ladder with precisely the experience that Sarah Palin lacks. That she's a social moderate may be worrisome to conservatives. She's pro-choice on abortion but voted for Proposition 8 last year, which barred gay marriage. When Reagan was elected governor in 1966, the speculation about national office—president, vice president—erupted instantly. If Whitman is elected in 2010, it will erupt again. ♦

LICENSED TO UNZ.ORG
ELECTRONIC REPRODUCTION PROHIBITED

Where Everybody Is Disadvantaged

Postcards from the diversity follies

By Matt Labash

Orlando

In a normal year, I wouldn't hop a plane in the middle of a Swine Flu outbreak to attend the Ninth Annual National Multicultural Business Conference, even with the extra leg room that a recession/pandemic affords. It's not because I don't value pluralism, inclusion, and celebrating our sameness through our differences, or our differences through our sameness, or whatever it is diversity disciples like to celebrate. With my attraction to Halle Berry, my love of Mexican food, and my willingness to give friends "Chinese cuts" when standing in long lines, I'm pretty sure my multicultural credentials are second to none.

Because of my affection for round numbers and faux anniversary stories, I'd just have as soon waited for the Tenth Annual National Multicultural Business Conference. But with the news rife with tales of massive bankruptcies, soaring unemployment, and CFO suicides in corporate America, it seemed time to hit the diversity-in-business conference while there are still any businesses left to confer.

The conference is at Disney's Contemporary Resort, and on the surface, everything is Disney-riffic. The hotel rises up like a tourist ziggurat in the shadow of Space Mountain and Cinderella Castle. Its modernist, the future-was-yesterday, *Jetsons*-style interior has all the warmth of an Icelandic disco. But Mickey Mouse topiary stands sentry in the courtyard. The check-in clerk draws ballpoint-bubble Mickey ears which he asks you to sign next to. The hotel staff, after affirming that a fruit compote comes with the Mickey-shaped multigrain waffles, invites the fanny-packers and their overfed children to "have a magical day," which most do, boarding the monorail that runs through the hotel to explore brighter Magic Kingdom horizons.

Even this hermetically sealed world, however, is not immune to the travails that afflict the country at large. Bellhops complain their tips have been halved since the economy cratered. The guys in the Pluto and Donald Duck suits seem to act more like Droopy and Eeyore, going through the motions when leading diners in song at Chef Mickey's. Other conferees, like the chartered financial analysts of the CFA Institute, attend wrist-slashing lectures with titles such as "Assessing Valuation Levels in Times of Uncertainty" and "Managing Through Challenging Times."

But there is a throwback sort of peppiness as I hit the conference registration desk of DiversityBusiness.com, the sponsor of the event. They seem to hark back to more carefree times—let's call them "the Nineties"—when we were fatter and richer and could afford the luxury of worrying about whether the guys in accounting were at least 0.8 percent Indigenous Peoples of the Americas, reflecting the population of the United States.

At check-in, we're given name tags, expensive-looking leather legal-pad carriers, and an official program, the cover of which is festooned with smiley children in rainbow-colored T-shirts, gleefully holding their hands up as if they are passengers on a thrill ride. They are so wholesome looking, that if they were cookies, they'd be oatmeal with no trans fats. I count a black one, an Asian one, a white one, a white one, a white one . . . For a moment, my spirit sags. It's clear that no matter how far we multiculturalists have come, there are still high mountains left to climb.

Even taking note of diversity initiatives in business can seem a Nineties-era story. We all treasure memories of those early days, how the substantive civil rights activists of the Fifties and Sixties gave way to more opportunistic social-science dabblers, the gender-studies Ponytailiban, and the encounter-group enthusiasts who were too underqualified to find employment as pet hypnotists or Dollar Store cashiers, and so hung out their shingles as diversity consultants, gouging corporations for thousands of dollars a day. They'd herd confused employees into games of "access and legitimacy" Dodgeball or have them make entries in their White Privilege journals or lead consciousness-raising singalongs of "Everyday People" with the diversity trainer accompanying on autoharp.

Matt Labash is a senior writer at The Weekly Standard.

LICENSED TO UNZ.ORG
ELECTRONIC REPRODUCTION PROHIBITED

Diversity training became the corporate equivalent of a flu shot: Nobody was sure it worked, but it made bosses feel accomplished and proactive. Attendance was often mandatory, particularly if your company, like Denny's or Texaco, had faced discrimination litigation. If they hadn't, they'd have diversity training anyway, as indemnification in case they later did.

The whole farcical spectacle was sent up brilliantly on the "Diversity Day" episode of the NBC show *The Office* in which Michael, the clueless Caucasian manager of the Scranton branch office of a paper company, has to see his troops undergo diversity training after he performed an n-word-laden Chris Rock routine ("How come Chris Rock can do a routine and everybody finds it hilarious and groundbreaking; then I go do the same exact routine, same comedic timing, and people file a complaint to corporate?"). Feigning the enthusiasm he thinks his overlords want to see ("I wish every day was diversity day"), he tries to muscle the diversity trainer aside and take over the proceedings himself.

"Why don't we go around," says Michael, "and everybody, EVERYBODY, say a race that you are attracted to sexually. I will go last."

Throughout corporate America, adults were infantilized, intelligence was insulted. Few escaped humiliation even if the extent of their participation was merely bearing witness.

This is not to say such diversity training, and infinite variations thereof, don't still transpire constantly. They do. American business, always keen to adopt suspect managerial fads and enforce them with ruthless repetitiveness, still spends $200-300 million a year on it. Ninety percent of Fortune 500 companies have had diversity training, even though studies have shown it doesn't work as advertised. The *Washington Post* reported last year on a study led by Alexandra Kalev, a sociologist at the University of Arizona, which comprehensively reviewed 31 years of data from 830 mid-to-large U.S. workplaces. The findings: Diversity training exercises at companies were followed by a 7.5 percent drop in the number of women in management. Black female managers declined by 10 percent, and black men in top positions fell by 12 percent, with similar numbers for Asians and Latinos.

But the good folks attending the National Multicultural Business Conference have grown well beyond the training-wheels stage of thinking that diversity in business is just about diversity training. The diversity business is now just that. It's a top-to-bottom emphasis on diversity in everything from recruitment to retention to promotion. Its latest push is implementing supplier diversity, which holds that it's not enough for you to emphasize diversity in your own company, but that you must also inflict it on other companies by doing business with suppliers who are even more diverse than you are.

The only sort of diversity that isn't much championed is diversity of thought, as there's little room for those who think it's a waste of time to overemphasize diversity in transacting business. The need for 24/7 diversity, says Frederick Lynch, the author of *The Diversity Machine: The Drive to Change the "White Male Workplace,"* is no longer an argument, it's now "in the bricks of American business," as companies even staff full-time diversity-officers.

ILLUSTRATIONS BY HAL MAYFORTH

Consequently, its practitioners have largely forsaken the earlier polarizing blame-whitey rhetoric, going with a softer, yet more ambitious and business-friendly "dollars and demographics" rationale, as Lynch puts it. This holds that valuing diversity is no longer just doing the right thing, but that it is also essential to a company's bottom line in a globalized economy, with rapidly shifting racial demographics at home that make it necessary for companies to look more like their customers.

Hence the opening for outfits like our conference host. Launched in 1999 by Kenton Clarke, who is black, DiversityBusiness.com boasts over 46,000 members, making it the largest organization of what it awkwardly calls "diversity owned businesses." DiversityBusiness.com has a magazine reaching 300,000 readers, a monthly e-newsletter that reaches 2.4 million, and a website that garners 1.2 million visitors per month. Many of those visitors aren't just mom-

LICENSED TO UNZ.ORG
ELECTRONIC REPRODUCTION PROHIBITED

and-pop minority business owners, but corporations looking to meet some demographic goals and score public relations points. They fall all over themselves to sponsor the conferences, small-timers you may have heard of like the United States Postal Service, Coca-Cola, AT&T, and Cisco amongst scores of others. Gaining everything from access to more than 350,000 minority small business contacts to cash-cow federal and state government bid listings, suppliers/small businesses pay up to $369 a year for membership, while buyers/organizations/HR departments pay up to $799 per year.

It's a far cry from playing Diversity Dodgeball or watching *Everyday People*-singing middle managers suffering through autoharp solos.

The opening-night reception is a boozy, cheese-plate affair. Musical entertainment is provided by one of the conference co-hosts, the lovely Ericka Dunlap, the first black woman to be crowned Miss Florida, who went onto become Miss America 2004.

"You weren't the one who fell onstage?" I ask her. That was Miss USA, she tells me. "Can't walk and chew gum at the same time. We're the smart ones, they're the hot ones." She tells me what her platform was: "United we stand, divided we fall behind." "Sure, I could've gone with diabetes," she says. "Many of my family members have it." But because of the way she lives her life, diversity was the only call. She's ready to do another song, which she'll dedicate to me. I request a good diversity song. "We Are the World?" she asks. How about "Ebony and Ivory?" I counteroffer, since world hunger makes for downer party music. She settles for Patsy Cline's "Walking After Midnight," as she's trying to break into the rather nondiverse country music business.

I take a cheese plate to a stand-up table and get down to networking with a guy in a loud Hawaiian shirt, who served in the Special Forces in Vietnam. He's Raymond Jardine of the subtly named Native Hawaiian Veterans LLC, which does not, as it might sound, run Pearl Harbor bus tours, but provides services such as setting up security systems for the State Department. "I'm Hawaiian, and I'm Cherokee," he tells me. "Actually, there's four total designations: 8(a), Small Disadvantaged Business Status, Service-Disabled Veteran Status, and uhhhh, what's the other one? Native status!"

In the "diversity-owned" small-business world, this is the equivalent of a mating call to companies of all sorts, looking to check off their subcontracting diversity blocks for everything from women to disabled-service veterans to every other imaginable minority. It's desirable in the private sector and even more so in the Beltway Bandit government-contracting sector, where lots of business comes in the form of set-asides, specifically designated quotas for these disadvantaged subgroups.

By "disadvantaged," I mean no disrespect. For that is the actual language of the Small Business Administration's 8(a) Business Development program, which equates minority status with having a handicap. To qualify for 8(a) status—what one federal procurement consultant calls the "golden ticket"—companies must prove themselves either socially or economically disadvantaged. And who are "socially disadvantaged individuals?" Well, pretty much every nonwhite person in America, according to the SBA.

LICENSED TO UNZ.ORG
ELECTRONIC REPRODUCTION PROHIBITED

It's not just the province of blacks, whom the program, born in the 1960s, was originally intended to help, nor just that of Hispanic or Native Americans. The roll call of SBA-designated sufferers has become rather long and grows ever longer, lately including persons with origins from Samoa, Brunei, Republic of the Marshall Islands, Federated States of Micronesia, Macao, Tonga, Kiribati, Tuvalu, Bhutan, and the Maldives. "In the absence of evidence to the contrary," says the SBA, "individuals who are members" of these "designated groups are presumed to be socially disadvantaged."

But no worries, angry white male. Those who haven't had the advantage of being disadvantaged can also "claim social disadvantage." They just "must establish social disadvantage on the basis of a 'preponderence of evidence.'" This can come in the form of everything from job-application rejection letters to "contemporaneous records memorializing meetings." It explains why a white male former neighbor of mine, who does big construction contracts for the federal government in D.C., would brag to me that he made his female black secretary a business partner: Companies of all hues now seek to collect Rummy hands of disadvantage.

Especially as I had thought Jardine was repeating himself when he said he was both 8(a) and a Small Disadvantaged Business, which seemed a bit like calling yourself both fat and tubby. But the Small Business Administration assures me there are distinctions, they just neglected to clearly articulate what they are. According to the definitions on my DiversityBusiness.com glossary, a certified 8(a) firm is "owned and operated by socially and economically disadvantaged individuals and eligible to receive federal contracts" under the SBA's 8(a) Business Development Program. Whereas a Small Disadvantaged Business concern "is at least 51 percent unconditionally owned by one or more individuals who are both socially and economically disadvantaged." See the difference? Me neither. But as long as it represents more money for everyone from small businesses, to lawyers, to the consultants paid to figure this stuff out, nobody seems to mind.

As one foreign-born diversity consultant tells me one night in the hotel bar when he's in his cups: "All this certification stuff is bulls—. It all happens because Africans were once slaves. But you get well-educated eastern Asians, for instance, who come in and can capitalize on all this. Or a lot of times it's just pass-throughs, big companies hire little minority companies so they can get in under the dollar limit" to win government set-asides for small businesses.

Such coveted status also explains why companies in DiversityBusiness.com's universe, even if they are multimillion-dollar companies, seek to advertise, rather than hide their "disadvantage." So, for instance, it is not uncommon to see press releases such as, "Cherokee Data Solutions is a SBA Federal 8(a) certified, Minority-owned Business Enterprise (MBE), HubZone [Historically Underutilized Business], Woman Owned and Native-American Owned company." If the federal procurement sphere was a singles bar, the only question that would come next is "Your place or mine?"

The next morning, the sassy black television judge Glenda Hatchett is set to open the festivities. Assuming all television judges know each other, I ask her how Judge Wapner's trusty sidekick on *The People's Court*, Rusty the Bailiff, is doing, and if she has any plans to use him on her new show. "Get a diverse team!" she jokes. (Sadly, I find out later Rusty actually died in 2002, which would lend a sort of diversity to the proceedings that even the Small Business Administration doesn't provide for.)

The registration desks and vending tables are thick with minority-owned business advertising flyers, as well as those from places like the Department of Labor. "We've got stimulus money to spend!" a DOL carny barks at passersby. "We're *giving* out contracts!" Indeed, as Ralph Thomas, a contract lawyer who came to the conference to lecture on teaming agreements says to me, always, but especially under the free-spending Obama administration, "The government contracts industry is as close to being recession-proof as possible."

I pick up an armful of reading in case the conference gets slow, magazines brimming with minority-solicitation ads from the likes of the Secret Service, the LAPD, and the CIA. They have titles like *Hispanic Network Magazine* and the *Black EOE Journal*. Their pages are full of people accepting prestigious awards for promoting diversity, like the coveted Utility Marketplace Access Partnership award from the National Association of Regulatory Utility Commissioners. These magazines also carry inspirational business profiles, like a cover story on Stedman Graham, who is "Building Visions and Foundations for a Successful Future," which you too can do by dating Oprah.

I take a seat in the cavernous Fantasia ballroom next to Kimberly Ganem, who's a systems engineer with Raytheon. The leader of their diversity council couldn't be here, so she's come to "absorb information" and take it back. We make polite diversity small talk. She's Italian and Lebanese-American, and I'm part Italian too. Already, we have plenty of mutual disadvantage to celebrate.

But Ganem doesn't just stick with her own. She belongs to just about every group imaginable. At Raytheon, "I'm on the board of the multicultural/multilingual one because I'm multicultural," she says. She's a member of RAYBEN, the Raytheon Black Employee Network. And HOLA, the Hispanic something-or-another—she can't remember all the acronyms. "I'm also a part of the Asian-Pacific group, a woman's network—I have to think, there's so many of them.

LICENSED TO UNZ.ORG
ELECTRONIC REPRODUCTION PROHIBITED

I'm part of a group that's for gays, lesbians, transsexuals, and allies. Just people that support them," she says, so I don't get the wrong idea. I tell her I didn't make her for a trannie. "You never know," says the black woman sitting next to her. "I was watching Tyra Banks yesterday, and oh my goodness, they looked better than most women!"

Ganem says she goes to all the foreign-language presentations, even though some of the languages aren't spoken in any countries where Raytheon does business. "Teach me a swear word in Hindi," I beg. She doesn't know any. But they have different language libraries. "I keep the Asian-Pacific one at my desk," as well as a "Hindi language learning CD." Her schedule's pretty full, as a result of all these memberships. Cinco de Mayo's coming up, so she has to attend the presentation on what that "means to the Mexican culture." For Black History Month, there was the costume contest to see who had the best African attire. Her Asian group likes to have successful Asian professionals come in and talk "about their journey." Also, they're having a dragon boat race this weekend. Last year, they had two or three practices for it. This year, they had six.

I tell her this all sounds like loads of multicultural fun. But when does she find time to actually—how to put it, uhhh—work? It's mostly done on her own time, she says, but also a good many are lunch events. Plus, she adds, "I get training credit for some of it. It doesn't look bad." Just then, she smacks her head as though she's been horribly negligent, reaches for a pen, and scribbles down another Raytheon diversity group to which she belongs: the YESNet Young Employee Support Network. "That's one I forgot," she apologizes.

DiversityBusiness.com's main business seems to be awards-giving. They gave no less than 2,700 of them this year. Three out of the five people I'm eating with have award plaques waiting for them at the table.

The presentations are largely tiresome. Kevin Brown, the chief procurement officer at Dell, fire-hoses us with lots of inspirational/managerial paperback pap. "I see a roomful of dreamers and game-changers," he says. He quotes a lot from his betters as cover for the rhetorical mediocrity: Oliver Wendell Holmes, Michelangelo, Emily Dickinson, who said, "We never know how high we are, till we are called to rise."

Judge Hatchett is awed. "You really ought to write a book," she tells him.

I think he already did and I read it. It was called *Bartlett's Familiar Quotations*. (Excellent, incidentally.)

Phoebe Eng, vice chair of the Ms. Foundation for Women whose writings can be found in collections such as *That Takes Ovaries! Bold Females and Their Brazen Acts*, has us chant "We have arrived!" Eng propounded elevating diversity concerns beyond the realm of the warm'n'fuzzies. "What if we started to retool the bottom line itself?" she asks. What if to gain business, companies "were obligated to meet a blended bottom line, a term of art that is rising in the corporate dialogue? Where a measure of economic bottom line has to dovetail with social-benefit bottom line. . . . If you didn't meet that criteria, you aren't worthy of the support. Wouldn't that be interesting?" She says this will be a slow process. Not that slow, it turns out: "In five years time, we're going to see this required on our SEC reports."

She probably explained how we could better enforce this, which I'd be able to pass on if I hadn't become distracted mapping out my next year's calendar with the help of an invaluable resource I picked up in the lobby, *The Source Book of Multicultural Experts*. Black History Month, I was down with already. But now June's shot, because I'm all booked up with Gay and Lesbian Pride Month, and I'll probably have to take my kids trick-or-treating in November, because October is National Disability Employment Awareness Month.

The real star of the show, however, is former supermodel and current supermom, Kathy Ireland. The anticipation of her arrival is probably best articulated by a young female photographer who points to Ireland in my program, saying: "I want to sleep with her, and I'm not even a lesbian."

A spank-bank staple of every 16-year-old boy in America during her *Sports Illustrated* swimsuit days, the 46-year-old Ireland's moved on from bikinis. She's produced fitness videos. She's written numerous books like *Real Solutions for Busy Moms* (first solution: hire a ghostwriter). But most important, she's become a $1.4 billion empire, with her Kathy Ireland Worldwide brand. If you like Ireland, and moms everywhere do, you can now buy anything from her from furniture to socks.

Recently, she garnered some rare negative publicity when photos ran showing her after a 25-pound weight gain. Her taxed baby tee made her belly look like a half-digested goat that had been partially swallowed by a python. But she's slim again. And while she unfortunately did not show up in a swimsuit, she did wear a smart pantsuit with black cowboy boots.

"Let's talk about challenge," she intones, with her helium-kissed baby voice. "Let's tell the story of a little girl

LICENSED TO UNZ.ORG
ELECTRONIC REPRODUCTION PROHIBITED

who had no reason to believe that she'd ever be joining you here today." That little girl, you might have guessed, was her. For though on her face, the billion-dollar entrepreneur, who rose from the trying circumstances of a multimillion-dollar supermodel, might seem to have it all, she too has seen disadvantage. When she took on a paper route as a kid, a really mean man told her it was a boy's job.

She thanks that really mean man today. Because he inspired her to overcome. Just like the people in that song. So that now, everybody throughout the world can buy Kathy Ireland's scented, time-released aloe vera lo-cut socks, with an arch brace for support, and a deeper heel cup for added stability.

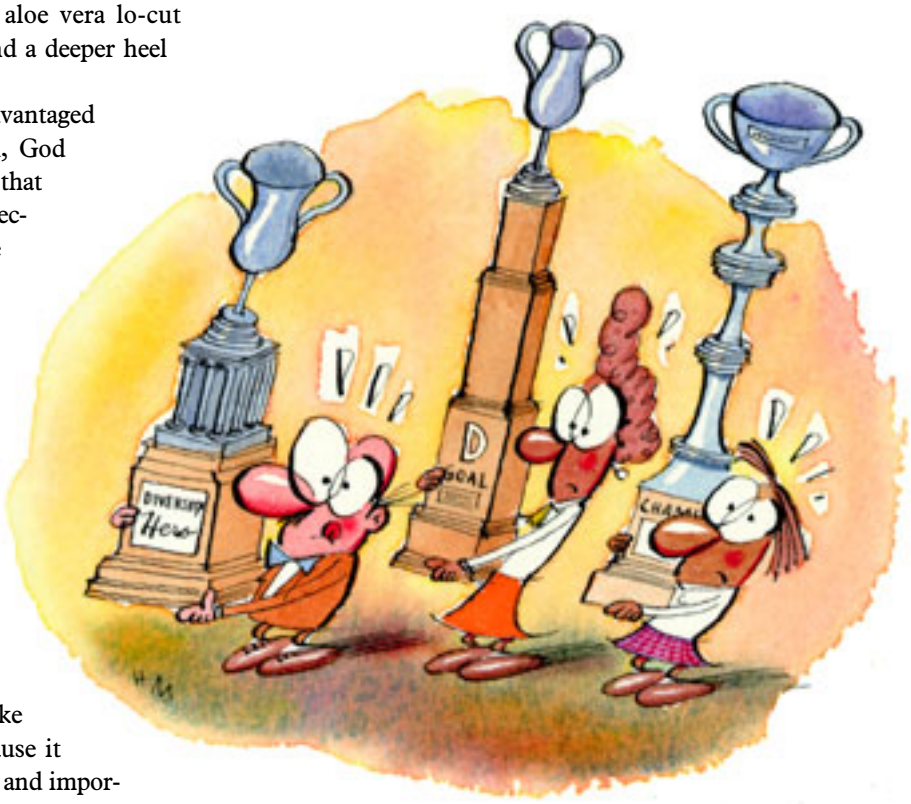
And we all, in the certified 8(a) disadvantaged community, have experienced rejection, God knows. But as Ireland says, "We can't let that rejection destroy us. We cannot let that rejection define us. We cannot allow it to cause us to become a bitter brand."

I no longer nurse the schoolboy crush I had on Ireland. I've grown up and have moved on to other things, like supermodel Alessandra Ambrosio (a diverse pick, I might add, as she's Brazilian). Still, I kneel next to Ireland at the book-signing table, and ask her with the whole of corporate America fighting for their financial hides, will such absolute emphasis on diversity fall by the way? She fixes me with an intense gaze, her crystalline irises betraying not even a hint of doubt. "That's why events like today are so important," she says. "Because it brings it to the top of minds, the necessity and importance. It's important to me. It's important to God."

Ireland, it turns out, is a woman of faith. I, coincidentally, am a man of faith. As persons of faith, I thought about exploring that vein, asking her if she read the part in the Bible about God's Chosen People, who enjoyed the Old Testament equivalent of Pentagon set-asides—and who didn't have a lot of supplier diversity procurement officers seeking to do business with the Philistines. I let it drop, however. She has a plane to catch.

Her words stay with me, though, words such as: "Each person here is a hero." Judging by the number of awards given, Ireland is only slightly exaggerating. There are "Champions of Diversity" awards, awards for Top Businesses and Top Organizations for Multicultural Business Opportunities. Every year, company names are submitted online so that DiversityBusiness.com can give awards to the top 500 women-owned businesses, top 500 small businesses, and top 500 diversity-owned businesses in the United States, which are further expanded to the top 100 in each category, in each state. There are hundreds of awards for disabled-veteran businesses, disabled-owned businesses, and 8(a) businesses. And that's just a partial list.

A few back-of-the-envelope calculations, and I figure out that DiversityBusiness.com's main business seems to be the awards-giving business. They give them every year, and this year no less than 2,700 of them. I start to feel self-conscious,



as I am one of the only people in the room who hasn't won some kind of diversity award. When carrying food from a lunch buffet back to our table, three out of the five people I'm eating with have award plaques waiting for them next to their name cards, as though they are chargers meant to sit under the salmon plates.

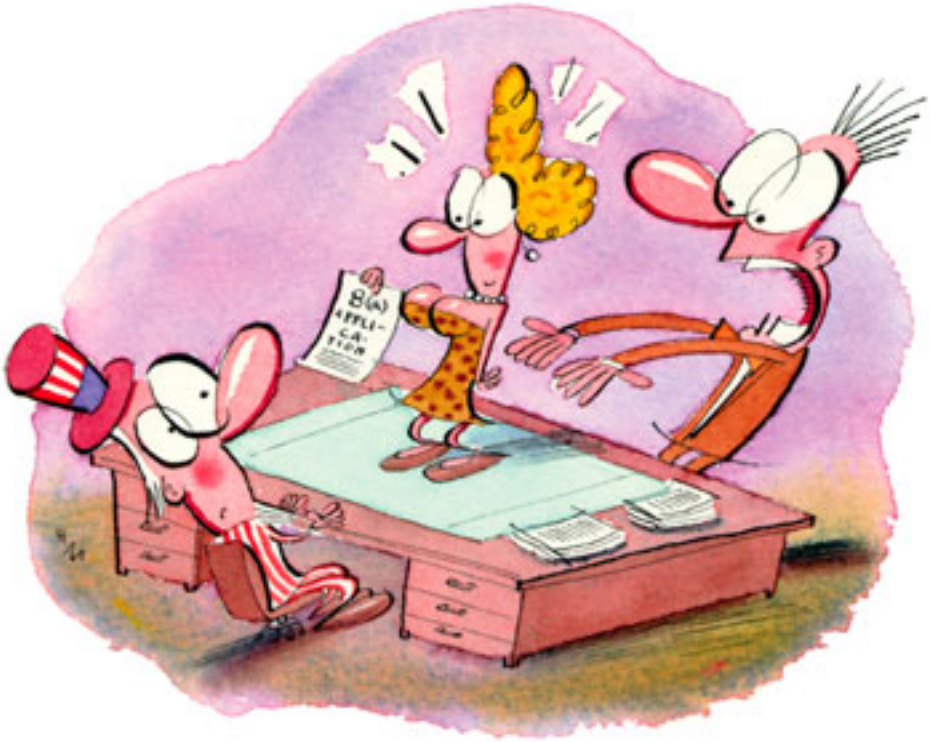
And if you don't think these are important to companies, you haven't read their press releases. Even companies about to go down the chute, like Chrysler (a regular DiversityBusiness.com winner which filed for Chapter 11 bankruptcy during the conference), constantly extol their supplier-diversity awards and initiatives, no matter how minor or obscure. In a 2006 press release publicizing its DiversityBusiness.com Top 50 Diversity Corporations award (one they earned by doubling the dollars spent with minority suppliers from $1.7 billion in 1998 to $3.8 billion in 2005), Chrysler also listed 56

LICENSED TO UNZ.ORG
ELECTRONIC REPRODUCTION PROHIBITED

other diversity awards it had won since 1998, coming from such distinguished entities as the Wisconsin Minority Supplier Development Council and *OnWheels* magazine.

While watching the assemblage take photos with Ireland and Miss America, proudly clutching awards that almost everybody else had too, one entrepreneur drove home to me how important they were.

Karen Caruso, the white, female founder of Mind Your Business, a company that performs background screenings, just saw her company named one of the top 100 women-owned companies in North Carolina by DiversityBusiness.



com. She was inspired to start the company 15 years ago after watching a "Nightmare Nannies" episode of *Oprah*, and now Mind Your Business does background checks for clients such as the Washington Metropolitan Area Transit Authority. Caruso stresses, "We've never been awarded a contract based on our female status. NEVER. EVER." Of course, when I ask her how much business she's gotten since the award was announced, she turns to an employee, asking, "We've signed on how many clients in the last four weeks?" Fourteen, it turns out. She says business is up "probably 35 percent" as a result of the publicity during the worst recession in recent memory. And they haven't even applied for 8(a) status, what Caruso calls "the Maserati of procurement," though "we'll have certification by the end of the year."

I turn to a white, male employee of Caruso's, named Michael Kaplan. He recently used the award publicity to sign up an energy company in Texas. I ask him, as a white male, what he thinks of such exploitation of Caruso's woman-owned status. "I think its great!" he says. "From my perspective, it's wonderful, it's an opportunity to make a tremendous living."

I ask Caruso if it's fair that your average white male Beltway Bandit has to compete with everyone they compete with, but is not allowed to compete for no-bid set-asides. Aren't white guys essentially playing a game in which they don't have access to the entire-field? Caruso twists up her face, leans in close to mine, and says, "Wahhhh! Wahhh! Wahhhh! How many years have women and minorities been playing on that same field?"

Kaplan laughs and elbows one of his colleagues, motioning at me as if I'd picked a fight with the wrong woman. "He didn't know," he says.

That evening I drink with two hearty businessmen. One is an Indian software mogul with a thick accent, named Shre Thammana. He jokes that he doesn't get out of bed for "less than $5,000 an hour." His Connecticut company, Virpie Tech, is worth about $20 million (in the bar, he picks up all the checks, and we don't protest). The other is his friend, Dan Robinson, manager of global purchasing and market access for Xerox, which means he is essentially in charge of finding suppliers with diverse backgrounds. He is black and has a dry-witted, hang-dog demeanor.

Robinson is constantly on the lookout for suppliers like Thammana. But not just like Thammana. As Robinson explains Xerox's diversity initiatives to me while nursing a Bacardi and Coke, what becomes clear is that Xerox has gone about as diverse as you can possibly get—by shipping roughly 80 percent of the jobs responsible for producing their components over to China. "Well," I say mockingly, "I guess that's diversity."

It is, Robinson says: "There are 55 minority groups in China," and Xerox belongs to the national minority-supplier development councils. He can't name the Chinese minorities, but by God, some of the jobs that aren't going to American minorities are at least going to Chinese ones. Now *that's* a commitment to diversity. Xerox, he explains, is on

LICENSED TO UNZ.ORG
ELECTRONIC REPRODUCTION PROHIBITED

the cutting edge. "We have the LGBT, the lesbians and gays. This is the one area of opportunity we continue to work at."

I say surely a company like Xerox can't be looking for vendors based on their transgenderhood. But I am wrong. "Oh yeah," says Robinson chipperly. "I go to their business expos." I look at Thammana in disbelief, and ask if he'd ever pretend to be transgendered to get Xerox's business. "No way," he says, though he adds, "Once they form a polygamy group, then I will be part of that! Talk about diversity. I love women in all shapes, sizes, and colors!"

Thammana emphasizes that he is there to network and gain business, possibly from Robinson, but not to dunk his biscuit in the minority gravy boat of 8(a) government contracting, which he seems to detest as a form of welfare. To get it, he says, "They need to know if I was discriminated against and accent that. A lot of people will write baloney. They make up fake stuff. So I don't want to do that. You have to be a disadvantaged person. C'mon! I'm not disadvantaged. I'm very happy and grateful for what this country has given me."

Indeed, Peggy Norris, a private-sector contract consultant who used to work on the government side in procurement, tells me that another consultant, after getting one of her clients through the 8(a) process, told her he could get her the certification as well, since she's from West Virginia. Another 8(a) guru I found after the conference, Vincent Villa, whose website is literally 8aguru.com, says he once got a woman through 8(a) certification who claimed a sexual harassment disadvantage. "She did wear dresses you could have said were revealing," says Villa. "And she had big tits. But so what? . . . You shouldn't be looking!"

An 8(a) guru says he once got a woman through certification who claimed a sexual harassment disadvantage. 'She did wear dresses you could have said were revealing. . . . But so what? . . . You shouldn't be looking!'

The next morning, on the final day of the conference, organizers have slated sessions with procurement spokespeople from government agencies coaching attendees on how to get business. But a golf outing is concurrently scheduled. The latter seems to clear out most of the white people. "The golf course—that's where I have my impact," one white guy from a Philippines-based call-center business tells me.

After listening to a representative from the Army & Air Force Exchange Service talk about how they "have very strong diversity-spend goals," I fall into conversation with Phil Dorsinvil, the wiry black owner of Fleet Doc Inc., a professional fleet management service, which he describes as "a cross between a Triple A and a local repair station." Dorsinvil has a machine-gun delivery, speaks knowledgeably and assuredly about whatever he addresses, and relates the details of his entrepreneurial ascent.

After graduating from school, he thought he was headed toward a career in the hotel and hospitality industry. But he had a change of heart and taught himself auto and truck repair. "Everything's on the Internet these days," he says, as though it's no big deal to learn how to repair a schoolbus. He now has five garages, has brought on a female partner who specializes in finding more environmentally friendly vehicle maintenance options, and works so hard and long that he's lucky to see his children. He often leaves before they wake up, and returns well after they've gone to sleep. "Which is why we're going to Disney now," he smiles, the guilty father.

Dorsinvil feels like a man who is on the verge of something larger. His challenge is finding someone as driven as he is who can do the work he's currently doing, so he can manage more effectively. He has designs on going national, has applied for his 8(a) certification, and for months now has been clocking the bidding process, waiting for his spot. He's put out trial bids elsewhere for practice, hoping he doesn't get them, just to get the feel. He believes that he's now ready and is about to bear down on a $5.76 million contract to service the entire bus fleet at West Point.

Dorsinvil is smart, capable, bold, and has any number of the attributes you need to be a successful entrepreneur. His business has gone gangbusters without the benefit of preferential treatment, and in an open market, he seems like the last guy you'd want to compete against, whatever your color might be.

I don't ask him if he feels disadvantaged. To do so would almost seem an insult after all he's just told me. Nor do I make him for a cynic, though he's obviously not above gaming a system that invites cynical exploitation.

So I rib him a little instead. "Let me get this straight," I say. "You're a minority-owned business. You've partnered with a woman, and she's gone green . . ." I don't finish my thought, before a broad smile crosses Dorsinvil's face, as though he's holding three aces, and the fourth one could be next out of the dealer shoe. "All I need is a disabled vet," he jokes, about the surreal advantages of being disadvantaged, "and I'm in the money." ♦

LICENSED TO UNZ.ORG
ELECTRONIC REPRODUCTION PROHIBITED

Helen Gurley Brown, third from right, New York, 1995

ASSOCIATED PRESS

The Cosmo Girl

Helen Gurley Brown is no mouseburger

BY EMILY YOFFE

Jennifer Scanlon sets out to prove that the legendary *Cosmopolitan* editor, Helen Gurley Brown, the woman who made cleavage and orgasms mainstream women's magazine fare, deserves to be taken seriously. Perhaps nothing makes her case better than the fact that this biography is being published by Oxford University Press. That must delight Brown, and only confirm her lifelong evangelical crusade that if she, a poor, fatherless, acne-ridden girl with only a secretarial degree, could make herself attractive, happy, and wildly successful, then any mouseburger (Brown's favorite term for her pre-fabulous self) can.

An *Esquire* profile of Brown by Nora Ephron, published in 1970—five years into what was to become a 32-year run as editor of *Cosmo*—still serves as a précis of Scanlon's book. All the tropes are there: Brown's reverse-*Pilgrim's Progress* belief that life's journey requires embracing temptation; her hyper-identification with her devoted readers; her faintly ridiculous, but endearing, combination of earnestness and grit; her run-ins with the censorious Hearst management which was constantly trying to rein her in, while acknowledging her instincts were newsstand gold.

Bad Girls Go Everywhere
The Life of Helen Gurley Brown
by Jennifer Scanlon
Oxford, 288 pp., $27.95

Ephron's portrait, both affectionate and acidic, does not, however, foresee that in 2009 a scholar—Scanlon is a professor of gender and women's studies at Bowdoin—would assert that Brown should be considered as important in liberating women from the gender straitjacket of the 1950s as Betty Friedan. Brown was an object of feminist scorn, with her belief that being seen as a sex object brought the reward of having sex. She was relentlessly upbeat (refusing even to run negative movie reviews

Emily Yoffe is the author, most recently, of What the Dog Did: Tales from a Formerly Reluctant Dog Owner.

LICENSED TO UNZ.ORG
ELECTRONIC REPRODUCTION PROHIBITED

in *Cosmo*) and objected to the idea that a misogynistic power structure crushed women's opportunities.

Scanlon argues that, unlike mainstream feminists, whose appeal was often to the educated, well-off women who ultimately were able to use their college degrees in the marketplace, Brown addressed herself largely to working-class women. Scanlon says it is a caricature to see Brown as simply an advocate of falsies and eyelash-batting. She makes the case that, since Brown found her own liberation in the workplace, she wanted her *Cosmo* girls to do what she had done: Use every bit of their smarts and femininity to create opportunities where none seemed to exist. She quotes Brown's observation, "Nothing is as much fun as achieving."

Scanlon sees Brown as an avatar of what has come to be called third wave feminism. The first wave of the early 20th century focused on the struggle for women's suffrage; the second wave of the 1960s and '70s was about collective action to establish gender equality at work and rethink sex roles at home; the third wave, from the 1990s, is loosely characterized by an interest in individual choice and style, an ability to celebrate "girlie" (if not "Gurley") culture. Scanlon places Brown's debut 1962 blockbuster, *Sex and the Single Girl*, as a bridge between the other girlie culture touchstones, Anita Loos's *Gentlemen Prefer Blondes* and Candace Bushnell's *Sex and the City*.

Brown, because of her emphasis on seduction (married men not being off-limits), artifice, and make-it-up-as-you-go-along morality, was in her day hated by both those Scanlon calls "moralists" and feminists. Scanlon is not fully convincing in her attempt to set Brown's place in a historic pantheon. She obviously has great affection for her subject, but she strains to fit Brown's ditziness—as Ephron quotes her, "You've got to make yourself more cupcakable all the time so that you're a better cupcake to be gobbled up"—into a larger theoretical framework.

Still, Brown's life is a great story, and Scanlon tells it clearly and without academic jargon. Helen Gurley was born in Arkansas in 1922, the younger of two daughters. Her mother was melancholic and critical, but Helen adored her father, who eventually became an Arkansas state legislator. When Helen was 10 he was killed in a freak elevator accident in the capitol building. It was a blow from which the family never recovered.

Deep into the Depression, the three lit out for Los Angeles, where Helen's older sister, Mary, soon contracted polio, leaving her in a wheelchair for the rest of her life. Brown supported the two women for the rest of hers. As a young secretary she sent her mother and sister, who had returned to the South, one week of her meager monthly earnings. Brown eventually made her way from the secretarial pool to being a highly successful advertising copywriter with a special knack for selling products to women.

Brown had an uncanny ability to package—she put her years as an advertising copywriter to good use—the things women thought and did, but weren't supposed to say.

It's a mystery why some people are crushed by painful circumstances and others are motivated to dig themselves out. Brown was a digger. One of her many suitors was the boxer Jack Dempsey (no kidding), and she recalled he said of the two of them that they weren't like some people "who could take shortcuts and get what they wanted," but that she and Dempsey "had to go right through the tunnel . . .chug chug chug chug until we came out at the other side."

Her response to her early life was an almost pathological optimism, what seems to be a belief that if she stopped moving forward she would be returned to her family's slough of despond. It's easy to see why the childless Brown thought creating a family meant the crushing of hope, not a new beginning.

Without her father's death she surely would have grown up comfortable in Arkansas and followed the expected path of marriage and family. Because she didn't, Scanlon asserts that Brown became an important figure in loosening the grip of the cultural expectation that if a woman hadn't found a husband and retired from the workplace by her mid-twenties she was destined to a life of sad spinsterhood.

In *Sex and the Single Girl* Brown asserts that, for a female, being single is not simply a way station until the real life of marriage begins but an exciting time in itself, full of self-discovery, accomplishment, and sex, and in many ways preferable to the drudgery of being a wife. But had Brown simply gone onto wifely drudgery and not written her book or invented the *Cosmo* girl, the rebellion against this domestic imperative still would have taken place.

If *Bad Girls Go Everywhere* does not convince that Brown is the historic figure Scanlon makes her to be, that doesn't mean she's an insignificant figure, either. Brown had an uncanny ability to package—she put her years as an advertising copywriter to good use—the things women thought and did, but weren't supposed to say. At age 43—with no previous magazine experience!—she took over a moribund, directionless publication (*Cosmopolitan* had been around for 80 years), remade it an extension of herself, and reliably sold millions of copies every month for decades. (And she's still at it in her eighties as editor of *Cosmopolitan International*.)

She inspired great loyalty among her staff, and the fervid gratitude of her readers. She struggled with insecurities, but knew her own worth. When Tina Brown was editor of the *New Yorker*, Gurley Brown was asked to compare herself to the celebrated editor. Gurley Brown said that Tina Brown was the "most brilliant editor in the world," and then added: "But there's something that I do that she doesn't do, which is make money for her publisher." ♦

LICENSED TO UNZ.ORG
ELECTRONIC REPRODUCTION PROHIBITED

His Liberal Hour

Deconstructing the imaginary world of Alan Wolfe.

BY PETER BERKOWITZ

The country confronts severe challenges. Even before last year's global financial meltdown, Social Security, health care, energy, education, and immigration demanded reform. The Middle East remains a tinder box, the Taliban have regrouped in Afghanistan and maintain strongholds in nuclear Pakistan, North Korea is rattling its saber, and resurgent authoritarian powers Russia and China are flexing their muscles.

The Future of Liberalism
by Alan Wolfe
Knopf, 352 pp., $25.95

Compounding these and other challenges is an intense polarization afflicting America's political and intellectual class that erodes the lively debate and calm deliberation critical to responsible decision-making.

The moment, therefore, is ripe to rediscover that larger liberalism in America—the tradition of individual freedom and representative self-government—that provides the ground on which left and right can effectively air their partisan differences and achieve accommodations that promote the common good. Notwithstanding liberalism's post-1960s identification with the left wing of the Democratic party, and its even older definition as the opposite of conservatism, the nation was conceived out of liberal premises, principles, and practices. The liberal tradition proclaims that human beings are by nature free and equal, and regards government's chief purpose as securing under law the rights possessed equally by all. It proudly tolerates diverse viewpoints and ways of life. It welcomes a multiplicity of interests, the better to prevent any single one from oppressing others. And it limits government by a constitutional enumeration and separation of powers, by checks and balances, and by democratic accountability.

This larger liberalism is susceptible of more conservative and more progressive interpretations. Conservatives within the liberal tradition are inclined to emphasize freedom's dependence on social order and moral virtue, and the threat to both that comes from government's tendency to usurp the responsibilities of individuals and the associations of civil society. The liberal tradition's progressive side is disposed to stress government's role in reducing the gap between the liberal state's promise of freedom and equality, and the reality of individuals and groups who, through unlawful discrimination, breakdowns in the political process, market vicissitudes, sickness and old age, and personal misfortune, are unable to exercise their rights adequately and take advantage of freedom's opportunities.

Particularly over the last century, the liberal tradition has tended to favor the progressive impulse to enlarge government's responsibility over the conservative ambition to limit government to safeguard individual responsibility. But at its wisest, the liberal tradition recognizes the importance of giving both conservative and progressive imperatives their due.

At its wisest, the liberal tradition also recognizes that freedom is endangered by distinct excesses to which the partisans are prone. Conservatives are inclined to romanticize the past and underestimate government's role in maintaining the conditions under which freedom and equality become meaningful. Progressives are disposed to romanticize the future and overlook the dangers to freedom that spring from the steady enlargement of precisely those government powers intended to make men and women free and equal. The genius of liberal constitutional government is to provide a framework within which conservative and progressive excesses can be moderated, and the distinctive knowledge about freedom's promises and perils each possesses can be harnessed, to advance the public interest.

Alan Wolfe believes that the moment calls for a return to the larger liberal tradition. But in his view the liberalism inscribed in America's founding premises, principles, and practices is not what unites us but, on the contrary, what divides us. Although he offers throughout valuable observations, not only about the liberal tradition's future but also about its past and present, his book is marred by a theoretically unsound, historically inaccurate, and intellectually unscrupulous effort to efface the conservative contribution to the defense of freedom.

By fueling common prejudices on the left about conservatism—indeed, by going beyond them and elaborating arguments that he has advanced in recent years, that conservatism is not merely wrong about policies and priorities but at its root un-American—Wolfe does his part at this testing moment to amplify polarization and to hinder readers of diverse persuasions from reclaiming their shared liberal heritage.

Wolfe is an eminent social scientist and prolific public intellectual whose book, by his own chronicling, caps a political and intellectual journey from the left to a "liberalism in full." But the liberalism he has rediscovered does not merely lean left. According to Wolfe, the larger philosophical sense of liberalism implies

Peter Berkowitz is the Tad and Dianne Taube senior fellow at the Hoover Institution at Stanford.

LICENSED TO UNZ.ORG
ELECTRONIC REPRODUCTION PROHIBITED

the narrower party sense: Properly understood, and applied to today's challenges, the ideas developed by Locke, Kant, and Mill and embodied in the Declaration of Independence and the Constitution, he contends, yield the Democratic party's outlook on governing. To make the case that the liberal spirit takes a clear side in today's political controversies, however, the passionate partisan in Wolfe must overpower the serious scholar.

Much is valuable and well put in Wolfe's ambitious restatement of liberalism for the first decade of the 21st century. Individual freedom that, of right, belongs equally to all is "the single most influential component of liberalism," and liberalism is "the dominant, if not always appreciated, political philosophy of modern times." And as Wolfe illustrates in wide-ranging discussions of ideas, history, and contemporary politics, the liberal tradition does involve a substantive commitment to individual autonomy; a procedural commitment to general rules that are interpreted impartially and enforced fairly; and to a temperament that is open, inclusive, curious, and generous.

These components are neither inseparable nor exclusive to the liberal tradition. As Wolfe observes, one can be a conservative critic of the view that it is government's responsibility to ensure liberalism's substantive commitment to individual autonomy while still supporting procedural fairness and displaying a liberal temperament.

What Wolfe fails to properly appreciate is that, out of concern for individual freedom and equality before the law, one can oppose the assignment to government of increasing responsibility for developing citizen's talents, expanding their powers, and maximizing their control over their lives.

Conservative intellectuals such as William F. Buckley and Frank Meyer, political standard-bearers Barry Goldwater and Ronald Reagan, and such towering thinkers as Edmund Burke, Alexis de Tocqueville, and John Stuart Mill loved individual liberty and provided good reasons to believe that the nation-state, which tends to be both distant and intrusive, will, if not vigilantly limited, create forms of dependence that shrink the opportunities and stifle the initiative that sustain individual freedom. Because Wolfe is bound and determined to exclude or disparage this conservative case for freedom, the "liberalism in full" that he purports to recover is, in reality, a part of liberalism disguised as the whole.

Alan Wolfe

BOISI CENTER / BOSTON COLLEGE

Wolfe's insistence that the ideas of the liberal tradition's founding fathers give rise to the policies and priorities, more or less, of today's Democratic party conflicts with his assurance that "liberalism tells us not so much what to think but more about how to think." In fact, Wolfe is at his best when he is elucidating those defining, pre-political "liberal dispositions"—the disposition to grow, a sympathy for equality, a preference for realism, an inclination to deliberate, a commitment to tolerance, an appreciation of openness, and a taste for governance—that, he argues, emerged as a distinctive sensibility in the 18th century and are crucial to dealing with the moral and political challenges of the 21st century.

In his chapter on religious freedom, for example, Wolfe argues that the Constitution weaves together freedom from religious authority and freedom for religious faith. But the proper balance, he shows, eludes many on the right and left today. On the right, Christian conservatives who seek to use the state to further specifically religious goals, he warns, risk corrupting their spiritual mission. At the same time, Wolfe is withering in his criticism of the new atheists—Sam Harris, Richard Dawkins, and Christopher Hitchens—whose writings advocate, or fan the flames of, intolerance of religion. And to conservative theologian Stanley Hauerwas, the iconoclastic Stanley Fish, and numerous postmodern theorists who argue that tolerance is a mirage and liberalism and religion are mortal enemies, Wolfe usefully retorts that individual freedom and religious faith have coexisted in America for more than two centuries.

His admonition to liberals concerning how to think about religion today is sophisticated and stirring:

> For liberals, a disposition to be open to religion showers benefits all around. It supports religion because it gives believers the right to practice something so important to them. It benefits religion's critics because it removes from them the ugly and illiberal temptation to denounce people with whom they disagree as mad or illusory. And it benefits the society both of them share because it gives them something they can hold in common even if they disagree, not only over which gods they hold sacred, but whether any gods should be held sacred at all. There are few such really great bargains in politics. Religious freedom is one of them. Whatever the future of liberalism, a place for religion must be guaranteed.

LICENSED TO UNZ.ORG
ELECTRONIC REPRODUCTION PROHIBITED

Would that Wolfe had been able to consistently maintain this scholarly sobriety and fidelity to the liberal spirit.

Peripheral opinions in this book contain troubling signs. Wolfe glibly portrays Thomas Hobbes as an opponent of procedural fairness who denies human equality and thinks that sovereignty's only benefit to individuals is protection. In fact, Hobbes is a father of modern proceduralism, who argues that men are by nature equally endowed with inalienable rights; that the laws of nature, which are immutable and eternal, provide universal rules that, when enforced by a sovereign authorized by the people, bring peace; and that among the benefits of peace are agriculture, industry, travel, trade, technology, arts and letters, and society.

In addition, despite the liberal tradition's determination to distinguish scientific reasoning from moral and political reasoning—which, of course, draws on the truths of science—and his own insistence that liberalism demands a clear-eyed assessment of how the world actually works, Wolfe, not unlike crude religious critics of Darwin, dubiously suggests that evolutionary psychology must be rejected on moral and political grounds. Instead of engaging the science and social science that lies behind it, Wolfe dismisses evolutionary psychology in large measure because it shares conservatism's "pessimistic views about human nature," teaching that our instincts, passions, and fundamental cognitive faculties impose significant constraints on what can be accomplished politically.

And Wolfe recklessly attacks Paul Berman, whom he introduces as a prominent liberal thinker who supported the war in Iraq. According to Wolfe, Berman "leaves no doubt" in a long 2007 essay on the European Islamic philosopher Tariq Ramadan that "anyone like Ramadan, who tries to negotiate his way between Islamic roots and modern liberal democracy will fail." Yet Berman says nothing of the sort. He carefully avoids ultimate claims about Islam and modernity. Instead, his probing analysis shows how Ramadan uses the language of European leftism to exploit the credulity of European leftists and gain a foothold in Europe for Islamic extremism.

These disturbing lapses presage the lengths to which Wolfe goes to distort conservative ideas and practice. In the chapter "Mr. Schmitt goes to Washington," he aims to discredit contemporary conservatism by demonstrating the illiberal sensibility it shares with the German political and legal theorist Carl Schmitt who, Wolfe explains, was "a consistent political reactionary" and "in many ways more Nazi than a number of prominent Nazis." To be sure, Wolfe tones down the arguments he introduced in "A Fascist Philosopher Helps us Understand Contemporary Politics" in the April 2004 issue of the *Chronicle of Higher Education*, which I criticized in these pages two years ago. Although he qualifies his condemnation in various ways and highlights the postmodern left's explicit and enthusiastic embrace of Schmittian ideas, it is Wolfe whom his chapter discredits.

Paul Berman

TIMOTHY LUI

Scorning liberal democracy's freedom under law, Carl Schmitt maintained that politics is about vanquishing your enemy through violence. This requires a sovereign who is above the law and decides when an emergency—the ordinary state of affairs, according to Schmitt—demands suspension of the law.

For Wolfe, Berkeley law professor John Yoo, who served from 2001 to 2003 as deputy assistant attorney general in the Justice Department's Office of Legal Counsel (OLC), epitomizes the Bush administration's Schmittian belief that the executive is above the law. Certainly, in his official capacity, Yoo wrote legal opinions, and in his scholarly capacity has written books and articles, arguing that the Constitution gives the president expansive powers to conduct foreign affairs and lead the nation in war, including the power to disregard those laws which, in his judgment, encumber his duties as commander in chief. Most controversially, Yoo authored OLC opinions in 2002-03 defining torture narrowly and affirming the president's wide latitude to order highly coercive interrogation of unlawful enemy combatants.

It is wrong, however, to make Yoo, who served in the first two years of the Bush administration, the embodiment of its jurisprudence. Wolfe notes that Jack Goldsmith, whom Bush named to head OLC in 2003, resigned in 2004 after clashes with administration lawyers concerning constitutional questions. But Wolfe omits to mention that, before resigning, Goldsmith withdrew two of Yoo's opinions on coercive interrogation.

Notwithstanding its early overreaching in grappling with the novel and difficult legal issues presented by the threat of terrorists armed with weapons of mass destruction, the Bush administration (contrary to Wolfe) exhibited its fundamental belief that the executive branch was subject to law through its compliance

LICENSED TO UNZ.ORG
ELECTRONIC REPRODUCTION PROHIBITED

with Supreme Court decisions in 2004 and 2006 concerning the treatment of detainees.

But, perversely, Wolfe treats Yoo's harsh criticism—three years after he left office—of the Supreme Court's 2006 ruling in *Hamdan* v. *Rumsfeld* that military tribunals required congressional authorization as a faithful reflection of the Bush administration's disdain for law. Surely a more obvious and accurate measure of the administration's opinion about the executive's legal responsibilities was its actual response to *Hamdan*, which was to ask Congress to authorize military tribunals, which Congress promptly did!

More generally, Wolfe obscures that, from 2005, the Bush administration clearly affirmed the constitutional separation of powers by requesting and receiving express congressional approval of detention, habeas corpus, surveillance, and military commission plans.

Wolfe's condemnation of conservatism would not be complete without establishing that the political philosopher Leo Strauss, and those neoconservatives who learned from him, are guilty of "adopting Schmittian ways of thinking from time to time." For proof, Wolfe quotes from Strauss's *Natural Right and History*:

> In extreme situations there may be conflicts between what the self-preservation of society requires and the requirements of commutative and distributive justice. In such situations, and only in such situations, it can justly be said that the public safety is the highest law.

This, Wolfe asserts, "could just as easily have been written by Schmitt." Except that it couldn't. Wolfe never bothers to inform his readers that the passage contains not Strauss's view but his exposition of Aristotle's teaching on the relation between justice and war. What's more, the Aristotelian teaching Strauss is expounding—that even war is governed by justice—could not be further removed from Schmitt's view that politics, whose defining moment is war, is an autonomous sphere beyond morality.

Wolfe gives the game away by acknowledging that the liberal tradition itself teaches the need for what John Locke called prerogative: "The power to act according to discretion, for the public good, without the prescription of the law, and sometimes even against it." This recognition of law's limits was embraced by Thomas Jefferson, Abraham Lincoln, and Franklin Roosevelt, to name three presidents in the liberal pantheon. What distinguishes the liberal tradition's understanding from Schmittian power politics is that prerogative's exercise must be rare and is legitimated by the public interest in preserving freedom and democracy.

Because Wolfe is bound and determined to exclude or disparage this conservative case for freedom, the 'liberalism in full' that he purports to recover is, in reality, a part of liberalism disguised as the whole.

Beyond this, although Wolfe is pleased to cite Jack Goldsmith's 2007 Senate testimony criticizing Bush administration lawyers' penchant for secrecy, he fails to confront the evidence Goldsmith provides in his book, *The Terror Presidency*, that top Bush administration lawyers rejected the appeal to prerogative, believing instead that they were following the law—mistaken in particular cases though they may have been—out of respect for the law, and acting on principle to protect the Constitution and defend the nation.

Given the violence he does to texts and to the historical record, you have to wonder what purpose could legitimate Wolfe's suspension of ordinary scholarly norms to contrive an intellectual affinity between today's conservatives and a fascist political theorist.

His ugly caricature is about more than bashing George W. Bush and convicting neoconservatives of a "propensity toward Schmittism." Occasionally, he throws a bone conservatism's way, declaring, for example, that "followers of Leo Strauss … have done so much to help us to appreciate the importance of the American founding." Yet by insisting that progressive politics is the one true heir to which the founding gave birth, Wolfe betrays a profound misunderstanding of the nation's founding—and stigmatizes the varieties of conservatism in America as foreign and illegitimate. While a return to the broader liberal tradition, rightly understood, would temper our polarized politics, Wolfe, regrettably, abuses our common liberal heritage to widen the partisan divide.

Fortunately, *The Future of Liberalism* contains the seeds of its correction. By cultivating the liberal temperament and liberal dispositions—that "intellectual openness" and "commitment to fairness" of which he writes—Wolfe can put his understanding of the liberal tradition on a theoretically sounder, historically more accurate, and intellectually more scrupulous foundation. The liberal tradition so understood will provide fewer lessons in what to think, and greater lessons in how to think, about politics. It will make room for the conservative case for freedom, attend to freedom's excesses and progress's disadvantages, and appreciate that, understanding one's rivals' words and deeds in context, and as they intended them, is not only a scholarly virtue but also a liberal virtue.

The aim is not, perish the thought, to compel liberalism to yield agreement between progressives and conservatives. The aim is to forge a liberalism that, true to its worthiest aspirations, advances the cause of freedom by fostering the indispensable debate between them. ♦

LICENSED TO UNZ.ORG
ELECTRONIC REPRODUCTION PROHIBITED

Reading Biblioscar

Among other things, Oscar Wilde was a man of letters and books. **BY LIAM JULIAN**

As he has aged through history, Oscar Wilde has been frequently distorted—co-opted, really—to symbolize a number of identities and agendas. He is Wilde the homosexual saint, Wilde the Irish nationalist, Wilde the anti-bourgeois, Wilde the Catholic convert, Wilde the martyred romantic.

Too often absent from the list is Wilde the literary talent. Serious consideration of his writing and thinking is habitually subordinated to exposition of the more sensational aspects of his personality and biography. It's a shame, and a problem to which *Built of Books* is a fresh solution.

Built of Books
How Reading Defined the Life of Oscar Wilde
by Thomas Wright
Henry Holt, 384 pp., $27

Oscar Wilde, ca. 1882

BETTMANN / CORBIS

Punctuated as it is with suppositions and assumptions, *Built of Books* is not a traditional scholarly examination: Those seeking such a review of Wilde's life would do better with Richard Ellmann's 1987 biography, *Oscar Wilde*. What Wright offers is a new way of understanding and appreciating Wilde through the books that Wilde consumed and annotated and interacted with throughout his days. This is a book about a man who loved books—*lived* books—and for whom literature and its characters were more real than reality itself.

"After reading the *Comédie Humaine*," Wilde wrote, "one begins to believe that the only real people are the people who never existed."

Oscar Wilde was the son of two finely educated parents. His father, Sir William Wilde, was not only a renowned surgeon but an amateur archaeologist, antiquarian, and folklorist. His mother was a famous poet who wrote under the name Speranza. Their house swelled with books. Sir William's library "was comprised of the finest literature of various European cultures in their original languages . . . [a] vast emporium of multicolored editions of all shapes and sizes." And while Speranza had no one room devoted to her books, she owned mounds of them, "piling them up from floor to ceiling, or leaving them lying around on the furniture."

Well before Oscar could read, his parents, especially his mother, soaked him with literature. Speranza would recite poetry to her infant son, and as an older child, he would listen as she read from "Lady Clare" or "Hiawatha" and so learned poetry's musical, sensual loveliness. "Words!" he wrote in *The Picture of Dorian Gray*, "Mere words! . . . They seemed to be able to give a plastic form to formless things, and to have a music of their own as sweet as that of viol or of lute."

For Thomas Wright, reading *Dorian Gray* for the first time, as a 16-year-old, after plucking it from the shelf of a secondhand bookshop in Cambridge, Wilde's paean to the magic of words must have been oddly visceral. After finishing just one chapter Wright was, himself, overwhelmed: "Wilde's elegant prose and his agile intellect dazzled me. . . . I became intoxicated on the novel," which he read some 15 or 20 times, occasionally finishing and beginning anew in the same day. It was the start of "his great literary mission" to read every book that Wilde had read.

Thus the genesis of *Built of Books*. Wright skipped school for the local library, where he read the writers that mattered the most to Wilde: Plato, Keats, Shakespeare, the Greek tragedians, Dante, Flaubert, Baudelaire. He attended Magdalen College, Oxford (as had Wilde), where he continued his research. He even lived in a room that contained Wilde's old fireplace.

> With every book I read I seemed to draw closer to my hero. I began to realize just how important Wilde's golden books had been to him. I felt, too, that his biographers had placed undue emphasis on the dramatic episodes of his life, and not enough on the inner world of his intellect and imagination.

This approach makes *Built of Books* unique. The work is not precise—precisely because it tries to recreate the ephemeral, personal, and largely hidden relationships that once existed between Wilde and his books. Wright must frequently extrapolate meanings and significance from clues as skimpy as broken bits of Wilde's textual underlining. (Some such extrapolations, admittedly, are a stretch.) Furthermore, Wright works with an incomplete record: Although much is known of the contents of Wilde's library—largely because it was auctioned off while he was imprisoned—and although Wilde's letters and writings teem with allusions, gaps in his epic reading list do exist.

Still, *Built of Books* succeeds because its literary/biographical tack, for all it lacks in precision, is truer than those

Liam Julian is managing editor of Policy Review.

LICENSED TO UNZ.ORG
ELECTRONIC REPRODUCTION PROHIBITED

many accounts that (as Wright notes) overemphasize the spectacle of Oscar Wilde at the expense of his substance. And Wilde's substance is found in ideas, not necessarily in salacious, or even sober, facts. Everyone knows that Wilde was gay and suffered for it, but how many know that Sebastian Melmoth, the pseudonym Wilde used toward the end of his life, was borrowed, in part, from a book that he read as a child—*Melmoth the Wanderer*—about a man who gives his soul to the Devil in return for longer life, and then regrets his decision?

What did Wilde mean by adopting his new surname from *Melmoth the Wanderer*? The ideas are the important things here. ♦

Strings Attached

How music went from noise to sound to melody and harmony. **BY JOHN SIMON**

How things change! In this new book the Cambridge professor of modern European history calls himself Tim Blanning. In an earlier book of his he refers to—*Reform and Revolution in Mainz, 1743-1803*—he called himself T.C.W. Blanning. Those were the days when even nonacademic British writers tended to use more impersonal initials rather than Christian names. Nowadays he is not even Timothy, but Tim.

The Triumph of Music
The Rise of Composers, Musicians and Their Art
by Tim Blanning
Harvard, 432 pp., $29.95

Appropriate enough for a historian of music whose book includes everything from classical to rap. Although I find it somewhat odd to get, *ex cathedra*, casual references to Beyoncé and Madonna, I agree that the academic who invokes them had better be Tim.

This, to be sure, is no ordinary history of music. Rather, it is a history of the triumph of music, how it became the most widespread, popular, and important art—indeed, replacing religion. So chapter one, "Status," examines how the musician has evolved from slave or servant to one of the most affluent and important figures of the modern world. In chapter two, "Purpose," music emerges as "the most romantic art" and achieves in a more secularized society a kind of sacralization. It also goes from the private property of royals and aristocrats to becoming public—belonging to everyone but the tone deaf. The progress of romanticism has, according to Blanning, for main stepping stones, Beethoven, Liszt, Wagner, jazz, pop, and rock.

From this follows, in chapter three, "Places and Spaces: From Palace to Stadium," music's march from churches and palaces to opera houses, concert halls, pubs, cafes and (most democratically) stadiums and arenas. But for such evolution, the means of producing music, the instruments, also had to evolve, and so chapter four is "Technology: From Stradivarius to Stratocaster." That, of course, includes sections on "Recording," "Radio and Television," "The Electrification of Youth Culture" and, finally, in chapter five, "Nation, People, Sex," how music brought together people, helped promulgate the concept of nation by embracing minorities, and contributed to the sexual revolution.

Most of Europe is included, along with every type of music, as we follow the promise of the subtitle which, to his credit, demonstrate the historian's catholicity as bespoken by imposing research. To this, ample footnotes, chronology, and a list of further reading provide plentiful evidence.

The 400 pages are profusely illustrated with pictures of musicians, patrons, palaces, churches, opera houses, musical instruments, as well as scenes from salons and concert halls, studios and stadiums, often during characteristic events. Above all, there is the abundance of entertaining anecdotes and memorable quotations, making for steadily absorbing, often astounding, and sometimes horrific, reading.

As late as the 18th century, we learn, composers, singers, and musicians were treated like servants, lucky if they weren't actually valets or footmen. But change was afoot. So Haydn was first famous for being Count Esterhazy's *kappellmeister*, but by the end of his long life it was the Esterhazys who were famous for having employed him. Whereas only one undisputed portrait of Bach exists, and there are only 12 contemporary portraits of Mozart, today, thanks to his image on the Mozartkugel bonbon, multitudes have seen his likeness.

The coming of Beethoven meant, among other things, the appearance of fans; Haydn and Mozart only had admirers. If we compare Mozart's obscure burial with Beethoven's grandiose obsequies, we realize how much the status of music has changed. Austria's leading dramatist, Grillparzer, never mentioned God in his eulogy; music was the deity and Beethoven its high priest.

Along comes the rising popularity of the virtuoso. The myths about Paganini (selling his soul to the Devil, etc.) may have been absurd, but the swooning about his showmanship was real enough. More spectacular yet was the career of Franz Liszt, who could put even the czar of Russia in his place and had women falling at his feet like autumn leaves.

Wagner, whose painted and sculpted portraits ran into thousands, had the crowned heads come to him; by the time of his death, books and

John Simon is the author, most recently, of John Simon on Music: Criticism 1979-2005 *(Applause Books).*

LICENSED TO UNZ.ORG
ELECTRONIC REPRODUCTION PROHIBITED

articles about him reached five figures. Finally, instead of politicians seeking the support of musicians, musicians themselves entered the world of politics.

The great change was in the primary purpose of music, "from representing the power of the patron to expressing the individual feelings of the musician." Thus, Jean Baptiste Lully, composer to the Sun King, died filthy rich, the only man in history to run the Paris Opera for profit. Rousseau, composer as well as writer, declined a royal pension to free himself from any dependence, and so became a role model for future bohemians. Pursuing the rise of Romanticism in music, Blanning quotes the novelist Romain Rolland proclaiming Wagner's *Parsifal* "the fifth gospel."

Eventually, Blanning turns to popular music and proclaims one of John Coltrane's jazz recordings "one of the great musical masterpieces of the twentieth century." We read, further, of "Eric Clapton's quasi-divine status," and that Bob Dylan's music reaches "untold millions," and manages to "stimulate, elevate, perhaps even redeem them." Indeed, Dylan has helped "raise popular music's sights from a horizon bound by profit to infinite transcendental heights."

I thought this was the sort of thing Jesus Christ had done; could Dylan be the Messiah? And when Blanning writes that "*Sgt. Pepper's Lonely Hearts Club* is generally agreed to be the most influential single recording of the 20th century," I wonder just what is meant by "influential" and what the yardstick for measuring it might be?

In the "Places and Spaces" chapter we get an extensive verbal and pictorial survey of the evolution of music's venues. Of particular interest is an ample and amusing account of Frederick the Great, an enlightened but also quirky autocrat, ruling the music world by sitting in front of the orchestra pit, his eye on both the score and the stage, and a single mistake drawing instant rebuke.

Frederick the Great at play by Adolph von Menzel

DIRECT MEDIA PUBLISHING

We get an account of the rise of various social dances, first different for different classes, then standardized for all, even though sometimes, like the waltz, causing a moral panic. There was talk of "choreographic rape," and even Lord Byron disapproved. Yet in due time Johann Strauss Jr., "the Waltz King," became the third most admired European after Queen Victoria and Otto von Bismarck.

Movie music became increasingly popular, and major composers were among its providers. With the arrival of the Walkman, and its successors like the iPod, "rare is the train or subway where the majority of passengers are not sporting earphones." Blanning summarizes that music has become the religion of the people, and that stadiums and arenas used for rock concerts are the cathedrals of the modern age, made possible by a complex interaction of technical innovations changing every art, but music most of all.

In the "Technology" chapter, Blanning finally takes a bit of a stand against the pervasiveness of music emerging from bars, cafes, clubs, and passing cars: "Even those who enjoy music, find its constant presence irritating, whether it is the buzzing from neighboring earphones on public transport, the Muzak in lifts, restaurants and shopping malls, or the easy listening that has to be endured when a telephone message puts the caller on hold."

There follows the history of how various instruments were invented, promulgated, or allowed to become extinct. This depended as much on performers as on the inventors; thus, the piano's prestige profited as much from Liszt as he profited from his stardom.

> He was the first pianist to play entirely from memory; the first to place the piano at a right angle to his audience so that he would be more visible (indeed he liked to have two pianos on stage so that he could change places periodically and thus display his profile from the other side); the first to play with an open lid, reflecting the sound across the auditorium; the first to devote a whole concert to a single instrument—indeed he invented the term "recital" . . . for a concert in London in 1840.

There emerged even a politics of instruments. The Belgian Adolphe Sax, inventor of the saxophone, died wretchedly in Paris, "unable to benefit from his creation, thanks largely to a vicious campaign . . . organized by native Parisian manufacturers." Amusingly, when Edison invented the "phonograph" and listed its 10 uses, office dictation came

LICENSED TO UNZ.ORG
ELECTRONIC REPRODUCTION PROHIBITED

first; reproduction of music trailed in fourth position.

Finally, the most important new instruments are the various recordings, progressing from 78 rpm to the EPs (45 rpm extended play), thence to the LPs and now CDs. Novelty always helped. In 1954 Americans alone spent $70 million on classical discs; there were 21 versions of the *Eroica* and Toscanini's recording of Beethoven's Ninth sold a total of 149, 993 copies. Compare that to today's meager sales of classical CDs.

Probably the most entertaining chapter is the fifth, "Liberation," wherein Blanning traces the social and political significance of music, partly as a democratic leveler, partly as a universal civilizer. Significant, though, was its balkanizing effect, whereby the chauvinists of every country exalted its music while deriding that of other countries.

So we hear from French musicians that "Spain sobs, Italy wails, Germany bellows, Flanders howls, only France sings." A pair of French journalists write that Italian music is "like a painted whore, whereas French music is a beautiful woman." According to Italians, Germans could not write tunes and thus resorted to excessive harmony and counterpoint. Stendhal notes that even Mozart was regarded by Italians as "a crude barbarian, a vandal poised for invasion across the sacred frontiers of classical art."

Mozart, in turn, declared, "Let me never hear a Frenchwoman sing Italian arias: I can forgive her if she screeches out her French trash, but not if she ruins good music." A German journalist writes of French music: "Profound emotions are alien to it. It is neither cold nor warm, its nature is really like that of a frog." Another journalist asserts in debate:

> You say that Italian music is the mother of all music. That may well be. But a mother is usually a woman . . . subject to the fate of that sex which . . . increases in talent and beauty only to a certain age and then . . . becomes richer in wrinkles and poorer in spirit. . . . The music . . . in Germany is of the male sex, has a serious nature . . . and therefore . . . when creating, thinks more about what is right than about what is beautiful . . . for that reason the German deserves the place of honor.

Or as C.F.D. Schubart summed it up: "The Germans invented music, the Italians vulgarize it, the French plagiarize it and the English pay for it," materialistic philistines that they are.

Blanning is equally fine when he traces at length the story of the "Marseillaise" from birth to various ramifications, notably its roles during the revolution; how, for instance, singing this new national anthem has been credited with enabling hard-pressed French soldiers, on three separate occasions, to turn the tide of battle. It is grimly comic that it was sung both by those gloating near the guillotine, as heads dropped into the basket, and by those who were mounting the scaffold to their death. Nationalism, Blanning concludes, grew through music.

He notes: "As only a very limited number of people ever meet face to face, they must have some means to conceive of themselves as belonging to the same national community. In that fundamental act of imagination, music played a hugely important part." He also notes such phenomena as the large number of Jewish composers achieving popularity, or how black radio in the black community was being enjoyed by the white community: "When wedded to white country music, rhythm and blues developed into rock 'n' roll."

Blanning also traces the sexually liberating aspects of music, from Monteverdi through Mozart to Wagner—"a multiple musical climax was reached in Act Two of . . . *Tristan und Isolde*, complete with postcoital depression." Romance, he writes, made way for sex, the very name rock 'n' roll having an explicit sexual connotation. Shaw, he reminds us, "famously defined dancing as 'the vertical expression of a horizontal desire legalized by music.'" Its next achievement was the opportunity it offered homosexuals, encouraging even same-sex physical contact by heterosexuals: "Madonna's open-mouthed kisses with Britney Spears and Christina Aguilera during the 2003 MTV Awards."

In his brief "Conclusion," Blanning makes clear that this is not the triumph of this kind or that kind of music, good or bad, but of "music *per se*," as it has helped to transform the modern world. A worldwide poll of 600,000 people, 20 years after his death, proclaimed John Lennon the most influential musician of all time, ahead of Bach (7) and Mozart (10). Paul McCartney's "Yesterday" has been recorded more than 3,000 times, more than any song in history.

> In the course of various heats for the *American Idol* competition in 2006, more than 500 million votes were cast, the final alone attracting 63 million. As against this, the highest vote total for an American president was, for Ronald Reagan in 1984, 54.4 million.

For me, the question is still whether a triumph is based on numbers alone. There is no doubt that today's poet laureate (Carol Ann Duffy) is read far less than was Tennyson, the laureate of his day, and that Oxford University Press closed its contemporary poets list in 1999, which testifies to the decline of poetry. But fiction, various forms of visual art, and film still thrive, and it may be that the triumph of an art depends as much on the quality of an audience as on its quantity.

Be that as it may, Blanning does make out a case for, as he puts it, music *per se*. Still, the more discriminating will wonder what kind of triumph that is. Imagine if, in literature, the triumph would only be for Harlequin romances and bodice-rippers, for Stephenie Meyer and J.K. Rowling. As Blanning says elsewhere, "On the day that Greece votes for Turkey, and vice versa, we shall be able to say that the age of national rivalry is finally over."

Similarly, until Celine Dion buys a season ticket to the Philharmonic, Mariah Carey becomes a regular at the Opera, and Bruce Springsteen hosts a classical music TV show, we cannot say that classical music has achieved parity with the popular kind. Yet only then will music—not just music *per se*, but silk purse music as well—have triumphed. ♦

LICENSED TO UNZ.ORG
ELECTRONIC REPRODUCTION PROHIBITED

Workshop Lit

Fiction in the voice of consciousness-raising.

BY MARY GRABAR

Like a dutiful girl of the post-*Cosmo* age, Lauren Groff writes to an audience of her peers: a certain type of female reader and teacher. It is too bad, for her short stories are otherwise captivating and lyrical.

Delicate Edible Birds
And Other Stories
by Lauren Groff
Hyperion, 320 pp., $23.95

The first story in this collection, "Lucky Chow Fun," demonstrates Groff's ability to capture the atmosphere of Richard Russo territory with the sardonic voice that allows the reader to feel the pang of the misfit girl. By page six I had written "Lorrie Moore" in the margin. (The protagonist, the only female on the high school swim team, is called "Moby Dickless.") Moore is a writer I admire very much, but Groff's credit to her and several other workshop participants at book's end confirmed my suspicion of excessive workshopping. Whenever I encountered the current *de rigueur* coupling of startling adjectives ("That winter I learned the dark strain of recovery"), I found myself wanting to swoop this young woman out of the workshop and politically correct classroom and thrust her into the world.

Characters otherwise endearing become vehicles for political pieties. But this follows the current trend. In a world made meaningless, presumptively because of social injustice, characters become amoral automatons subject to their whims and impulses. They find themselves coupling with other characters without a clue as to why—and without a trace of guilt. This is what passes for sophistication when the cardinal sin is considered to be the imposition of moral judgment on individuals. The stories seem written made-to-order for deconstruction by class/race/gender. In "Lucky Chow Fun," for example,

> The one black family who lived in Templeton during my childhood promptly pulled up roots and moved away after a year, and there were only three Jewish children in school. The only Asians were preternaturally cheery. . . . This was a town that clung ferociously to the shameful high school mascot of the Redskins, though if we were any skins, we should have been the Whiteskins.

Groff denies the freshman the pleasure, though, of coming up with a line like "Dark secrets lurk under the postcard prettiness of Templeton" for a paper on, of course, "Race in 'Lucky Chow Fun.'" Patriarchy is also targeted. The husbands are buffoonish dictators, whether of a country in the southern hemisphere or of the nuclear family. Or else they passively observe their wives' paramours at parties in their own homes. The nice man in the racist town of Templeton is gay.

Groff's stories play out a feminist drama of plucky women rebelling against patriarchal forces, a narrative much loved by women inclined to look to Oprah for affirmation. The female characters become artistic, mad, and promiscuous. On Groff's literary *Sex and the City* set, men cannot resist women who are braver, smarter, and more sexually aggressive than they are. Men are subject to the sexual allure of these women and give up marriages and money for them—and weep when they cannot satisfy them. When they can, their insensitivity leads the female characters into the arms of other women.

The promiscuous Bern in the final story is particularly annoying. One of her admirers muses: "When he looked at Bern, Viktor saw the future, and it was lovely and clean and as equal as things between men and women, between prole and patrician, could be. And he also saw that any impulse to pin her down would only make her flitter away." Bern sees herself as the plucky war correspondent at a time when women aren't taken seriously. As French villagers evacuate when the Nazis move in, we get the point of view of one of Bern's married lovers: "[Bern] moved close to Parnell and looked up into his face and he saw the kind of searing look she gave him when she wanted to take him into a corner and have her furious way with him. As always, he was taken aback, though he would have complied, had there been any chance, but he looked around at the boiling mass of humanity."

At this point I wished for Flannery O'Connor's diabolical Bible salesman to come on the scene and teach Bern a lesson. Well, there is a Nazi sympathizer (the Communist sympathizers are good guys, natch); but even he is not so much an agent of evil as a manifestation of social forces, the patriarchy, as the clumsy description of Bern's "punishment" tells us.

The one story that has the most potential to plumb the tragic element, of a young wife's selfishness that leads inadvertently to her husband's death, ends predictably, despite authorial protestations to the contrary. To wit, the last paragraph of "Watershed":

> There is no ending, no neatness in this story. There never really is, where water is concerned. It is wild, febrile, kind, ambiguous; it is dark and carries the mud, and it is clear and the cleanest thing. Too much of it kills us, and not enough kills us, and it is what makes us, mostly.

Two more sentences continue the meditation—on water.

Groff does what too many writers do today: She offers clever meandering meditations on the ultimately inconsequential. When such a philosophy is combined with sermonettes on political correctness, the reader asks herself why she should bother to read contemporary fiction. ♦

Mary Grabar is a writer in Atlanta.

LICENSED TO UNZ.ORG
ELECTRONIC REPRODUCTION PROHIBITED

Civil Wrongs

Mary Frances Berry's legacy of 'ideological food fights.'

BY KENNETH L. MARCUS

Shortly after the 2004 election, I was recruited to be staff director of the U.S. Commission on Civil Rights. Mary Frances Berry's long reign as chairman was ending, and a new conservative majority was assuming office. This once-distinguished agency had slid into fiscal and moral insolvency during Berry's 20-year reign; worse, Berry had insinuated that she would not peaceably relinquish her seat upon its statutory expiration. It appeared that my first task would be to call in federal marshals to force the first involuntary transfer of power in the history of the republic. Shortly after my appointment, however, Berry agreed to leave without a fight.

And Justice for All
The United States Commission on Civil Rights and the Continuing Struggle for Freedom in America
by Mary Frances Berry
Knopf, 448 pp., $30

For a while, it seemed that Mary Frances Berry would spare the commission one final indignity. But we now know that one more remained—in one respect, a farce worthy of *Paul Blart: Mall Cop*. Fifty years after President Eisenhower signed the commission into "temporary" existence, Knopf brings out the agency's first modern history. The catch is that it is written—and written badly—by the commission's most egregious member. From another perspective, the publication of this volume has a certain ironic elegance: As a new Democratic administration reshapes civil rights policy, it is appropriate to recall both the glorious history and the shabby transgressions of the civil rights movement. Mary Frances Berry's treatise largely accomplishes both tasks—albeit unwittingly.

Kenneth L. Marcus was staff director of the U.S. Commission on Civil Rights during 2004-08.

In 1957 Eisenhower established the commission as an independent fact-finding agency. At first it courageously investigated racial hatred in America, inspiring the Civil Rights Act of 1964, the Voting Rights Act, and the Fair Housing Act. As Berry recounts, powerful political figures sought to undermine investigations in order to avoid offending southern Democratic members of Congress. She describes, for example, how John and Robert Kennedy connived in 1961 to obstruct the commission from conducting hearings in Mississippi. Berry provides a surprisingly lucid account of the commission's golden age, demonstrating how it became known at the time as the "conscience of the nation on civil rights."

Unfortunately, the second half of the commission's history has not been so conscientious, nor is the corresponding portion of Berry's account. During her turbulent tenure the commission came to be popularly known instead as "Little Hanoi on the Potomac" and a "Mickey Mouse agency"—to mention a few of the terms which *commissioners* used to describe themselves. Berry had famously enthused about Mao Zedong's educational reforms and Soviet social policies. Late in her tenure the General Accounting Office reported that the commission was "an agency in disarray" which lacked "basic management controls." Meetings became ideological food fights. Inevitably, Berry's portrayal of this period slips from historical treatise to grudge-driven political memoir, settling old scores and continuing yesteryear's screaming matches.

Since her departure in 2004, the Civil Rights Commission has been painstakingly rebuilt, and in 2007 the *Wall Street Journal* observed that the agency "deserves a medal for good governance" after it had achieved unprecedented back-to-back clean financial audits. The commission began issuing bold, critical reports on affirmative action in law schools, anti-Semitism in higher education, race-neutral alternatives in government contracts, and diversity in public schools.

Under the commission's scheme of staggered terms, conservatives may expect to maintain their current majority control until late next year; President Obama's appointees will not command a majority until the end of 2012. This is a long wait for those, like Mary Frances Berry, who believe civil rights to be the left's exclusive possession. Accordingly, to silence conservative commissioners, Berry recommends a naked power grab: Specifically, she urges Congress to reconstitute the agency as a new "U.S. Commission on Civil and Human Rights," which would enable Democrats to wipe out conservative commissioners, replace them with Obama appointees, and muzzle the watchdog before it has a chance to bite.

Unlike the present commissioners, who are deeply knowledgeable lawyers and social scientists, Berry's new commission would be a mix of "civil rights activists or experts" and others who "may know nothing in particular about civil rights"—ideologues and ignoramuses, in plainer terms, who would not embarrass the left with hard-hitting reports. The agency's new mission would be to pressure Congress to implement "human rights"—that is to say, economic redistribution—schemes issued by international bodies, and the new panel would be driven less by American constitutional values than by the undemocratic powers that control the United Nations' current human rights ministry.

Berry's plan is shrewd enough that it is now being pushed by left-wing activists, and the Obama White House is reportedly intrigued by the prospect. If they should succeed in silencing the present agency, Mary Frances Berry will have inflicted one final indignity on the U.S. Commission on Civil Rights. ♦

LICENSED TO UNZ.ORG
ELECTRONIC REPRODUCTION PROHIBITED

"Hugh Hefner's Playboy Enterprises is still in turmoil. Jerome Kern, the recently-named CEO who replaced Christie Hefner, told analysts in his conference call earlier this week that 'radical change' was going to come to the print editions of Playboy*."* —New York Post, *May 13*

Parody

the weekly Standard
May 25, 2009

LICENSED TO UNZ.ORG
ELECTRONIC REPRODUCTION PROHIBITED